

3 1761 11969857 9

11-88
021

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

BEFORE:

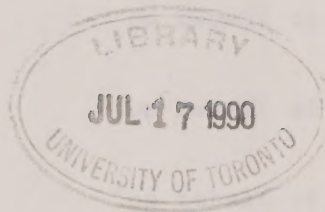
THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, MARCH 2, 1989

VOLUME 21

NETWORK COURT REPORTING LTD.

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE




B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, MARCH 2, 1989

VOLUME 21



Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

<https://archive.org/details/31761119698579>

C O U N S E L:

ROBERT ARMSTRONG, Q.C. MS. K. CHOWN	on behalf of the Commission
R. McMURTRY A. PRATT	on behalf of Charles Francis
D. O'CONNOR G. PINHEIRO	on behalf of Angella Issajenko
E. FUTERMAN L.M. LIPKUS	on behalf of Ben Johnson
MR. SOOKRAM L. LEVINE	on behalf of Dr. M. G. Astaphan
THOMAS C. BARBER	on behalf of the Sport Medicine Council of Canada
MR. SOJONKY MR. DePENCIER	on behalf of the Government of Canada
J. PORTER	on behalf of the College of Physicians and Surgeons of Ontario
ROGER BOURQUE	on behalf of the Canadian Track and Field Association
R. McCREATH, Q.C. MR. FALBY	on behalf of the Canadian Olympic Association
OSCAR SALA	on behalf of David and Andrea Steen
C. ASHBY MS. S. HICKLING	on behalf of Bishop Dolegiewicz

I N D E X O F W I T N E S S E S

NAME

PAGE NO.

CHARLES FRANCIS, sworn

Examination by Mr. Armstrong

3838

I N D E X O F E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
-------------	-------------	----------

117-A	For Identification	
-------	--------------------	--

	Bottle containing milky white substance	3860
--	--	------

---Resumed

THE COMMISSIONER: Mr. Armstrong, as I announced earlier, there will be no public hearings of the Inquiry tomorrow but I would like to meet with all counsel, in camera, to discuss legal issues and process and I've arranged for that to be at Osgoode Hall in Committee Room 110 at ten o'clock. That session will be in camera.

MR. ARMSTRONG: Thank you.

THE COMMISSIONER: Yes, please?

MR. ARMSTRONG: Thank you, Mr. Commissioner.

MR. ARMSTRONG:

Q. Mr. Francis, in your testimony yesterday you indicated that there were periods of time when the athletes were on injectable steroids that, indeed, some of the injections were done by the athletes themselves and you named some of those.

Up to 1986, did you, yourself, ever inject any of your athletes with a drug or a steroid in particular?

A. No, I did not.

Q. And I want to take you to the Goodwill Games in Moscow could you in 1986 and you told us about

being there with Ben Johnson, he was invited particularly to race in the 100 metres against Carl Lewis. Was there anybody there other than you and Ben Johnson from Canada?

A. No, we were the only two in our group.

5 Q. All right. And at that time, was Ben Johnson receiving on a regular basis injections of vitamin B-12 and inocine which you described to us yesterday?

A. Yes, he was.

10 Q. And when he was in Moscow, who injected him with the vitamin B-12 and inocine?

A. Well, up to that point I had been very nervous about giving injections, it's not so easy to try it the first time, but obviously there was no one else available and so I administered the B-12 and inocine
15 injections to Ben. I believe he had three injections of B-12 during that period.

Q. And again, just to bracket it, vitamin B-12 and inocine are not on the banned IOC list?

A. No, they're not.

20 Q. And again, just to recap your evidence from yesterday, the vitamin B-12/inocine mixture was something that the group of athletes that you referred to yesterday received on a regular basis throughout both the training and competitive years?

25 A. Yes, that's correct. They found it

quite helpful and especially in terms -- it seemed to help their recovery from jet lag, in particular.

Q. Now, in 1986, Dr. Astaphan, I believe, left Ontario, gave up his practice here and moved to St. Kitts, am I correct?

A. Yes, that's correct.

Q. And he had been directly involved in the steroid program of your athletes since, in a small way, the fall of '83, a more active way in '84 then, according to your evidence, really ran the program from '85 on.

What happened when he left? Was he replaced in any way?

A. No, not really. We were hoping that we would be able to follow up. At that time it wasn't clear whether or not he would continue commuting back and forth to Toronto. We were hopeful that he would because obviously we'd had a good situation with him present so we were rather hoping that he would come back at least in some capacity. It was not clear that he would permanently be leaving.

Q. All right. Then I think we have covered the 1986 season. I want to take you to the 1987 season beginning, as we sometimes did yesterday when I had it right, in the fall of the previous year, that is the

fall of 1986 and was Ben Johnson, in the fall of 1986 during the training portion leading up to the 1987 indoor season, on a steroids program?

A. Yes, he was.

5 Q. And what program was he on?

A. He was on a program of three injections per week.

10 THE COMMISSIONER: I'm sorry. When did Dr. Astaphan give up his practice? You said '86, the end of '86.

THE WITNESS: Yes. He gave us his practice immediately prior to the commencement of the new season.

THE COMMISSIONER: In the fall of '86?

THE WITNESS: In the fall of 1986, yes.

15 THE COMMISSIONER: Thank you.

THE WITNESS: He left behind a couple of bottles initially of ---

MR. ARMSTRONG:

20 Q. Of what?

A. Of inocine and also of the Estragol.

Q. Yes?

25 A. And I believe the program started early fall and then a little bit later we'll go into detail about a training camp which he helped arrange for us, to

go to St. Kitts.

Q. All right. In any event, Ben Johnson
in the fall of '86 was on a steroids program and you were
just about to tell us what the details of that program
were?

A. At that time I was administering the
injections to him and to other athletes.

Q. Yes? And what did you administer?

A. The inocine, B-12 as well as the
Estragol.

THE COMMISSIONER: That's what you
understood was Furazabol?

THE WITNESS: Yes. And, at that time, he
received three injections per week of one cc and then that
was for a period of three weeks and then for a period of
an additional three weeks, he had two injections per week
and then the steroid portion ceased.

MR. ARMSTRONG:

Q. And during this period of time, would
you also be injecting him with the inocine/B-12 mixture?

A. Yes, they were always mixed together.

Q. All right. You told us yesterday that
the colour of the Estragol/Furazabol was a milky white
substance and the colour of the inocine/vitamin B-12 was,

I think, a reddish brown or a dark reddish brown colour.
What colour did they take on when they were mixed
together, do you recall?

A. Sort of an off-white colour. The white
5 predominated.

THE COMMISSIONER: I'm sorry, were the
vitamins mixed with the Estragol, too?

THE WITNESS: Yes.

THE COMMISSIONER: So the one injection
10 would include all these drugs?

THE WITNESS: Yes, that's correct. But it
took on primarily the appearance of the white Estragol.

THE COMMISSIONER: Would you mix it
yourself?

15 THE WITNESS: Yes.

THE COMMISSIONER: So you had a vial of what
you say was Estragol and a vial of the vitamin and
inocine?

THE WITNESS: Yes, that's correct.

20 THE COMMISSIONER: And they were all liquid?

THE WITNESS: Yes.

MR. ARMSTRONG:

Q. And when you did the injections, where
25 was it that did you them?

A. In my apartment.

THE COMMISSIONER: Was that only for Ben Johnson or was it the other group as well?

THE WITNESS: At that time there was Ben Johnson and Cheryl Thibedeau. Tony Sharpe, I believe, at the initial part of the season. And Angella Issajenko was doing her own injections at her house.

MR. ARMSTRONG:

Q. All right. So, in the fall of '86, then it's Johnson, Sharpe -- did you mention Thibedeau?

A. Yes.

Q. And you were doing those injections in your apartment and Angella Issajenko was also receiving injections but she did those at her house presumably or her husband would have assisted in those, did he?

A. Yes. I might point out it hasn't been made clear the women and the men were on a very different level of dosage.

Q. I was just going to ask you that. What about the women? You've told us that Ben Johnson -- perhaps we better just complete the men.

Ben Johnson, you told us, was on one cc initially three times a week and then one cc twice a week?

A. Yes, for a period of six weeks, total.

Q. And was that the same as Sharpe?

A. Yes.

Q. Now, what about ---

THE COMMISSIONER: Were they the only two
5 males?

THE WITNESS: Yes, at that time, that's
correct. I might point out at that time that Andrew
Mowatt who had been part of the team had been injured at
the Commonwealth Games trials and has subsequently dropped
10 out and went on to the bobsledding team. So he was no
longer running track at that point.

MR. ARMSTRONG:

Q. And then what about the women. What
15 was the dosage for the women?

A. They used between one-eighth and
one-quarter of a CC twice a week for the six weeks.

Q. Well, would they have started then in
the first couple of weeks with one-quarter and then
20 tapered to one-eighth towards the end?

A. Yes.

Q. Now, you had testified yesterday that
Winstrol had been reintroduced into Ben Johnson's program
in 1986. In the fall of '86, in preparation for the '87
25 season, did Ben Johnson receive any Winstrol?

A. I believe he did for a period of ten days.

Q. And would this be in tablet form?

A. Yes, 4 milligrams per day.

5 Q. Now ---

A. He had the tablets himself.

Q. And where did he get the tablets?

A. From Dr. Astaphan, I assume. I never saw them so I don't know.

10 Q. Then, if you never saw them how do you know that he was taking them?

A. Because he told me.

Q. What did he tell you?

15 A. That he was taking 4 milligrams per day, that that was what Dr. Astaphan recommended but he never was able to finish, as I mentioned earlier, he never was able to go through the full two weeks schedule that originally was recommended because he had become too stiff.

20 THE COMMISSIONER: So he monitored that himself, I guess?

THE WITNESS: Yes. So as soon as he started to begin feel stiff he would stop using the Winstrol.

25

MR. ARMSTRONG:

Q. The Winstrol tablets, what quantities do they come in? Is each tablet a certain number of milligrams?

5 A. Two milligram tablets.

MR. PORTER: When is this?

MR. ARMSTRONG: It's the fall of 1986.

MR. ARMSTRONG:

10 Q. And are we talking again the October, November period or November, December period?

A. I believe it started in the November period.

15 Q. All right. Now, to your knowledge, did Ben Johnson ever take any injectable Winstrol or injectable stanozolol?

A. Not to my knowledge, no.

20 Q. And so, the only injectable drug that, to your knowledge, Johnson ever got was the the Dianabol, water based, that you referred to yesterday? Perhaps, I think you said, and I hope I'm not unfairly dealing with the evidence here, the aqueous-testosterone and growth hormone, that's injectable, I take it?

A. Mm-hmm.

25 Q. You've got to say yes or no, please?

A. Yes, that's correct.

Q. And then this injectable Furazabol?

A. That's correct.

Q. Those would represent the injectable

5 drugs that Ben Johnson would have received, to your knowledge, I believe?

A. To my belief, yes.

Q. And to your knowledge and belief then,

10 just to underscore it, Ben Johnson never received any injectable Winstrol, stanozolol?

A. Not to my knowledge, no.

Q. Now, I take it that in the fall of 1986

15 when Johnson and Sharpe and Thibedeau attended at your apartment, they were supposed to attend on a regular basis to get these injections at more or less a point of time?

A. Yes, that is correct.

Q. And how was Ben Johnson? Did he attend regularly?

20 A. No, did he not. He seemed to be fairly random. He would miss injections and so on so he never took the full amount from me that he was scheduled to have.

Q. What about Thibedeau and Sharpe? Did they attend regularly?

25 A. They tended to be more regular, yes.

Q. So far as Thibedeau and Sharpe are concerned, I assume they also received a mixture which included the inocine and vitamin B-12?

A. That's correct.

5

Q. And so far as you are aware, we're going to hear from Angella Issajenko, but so far as you're aware, she was taking a mixture then in the fall of '86 leading up to the '87 season of injectable Furazabol, Estragol, inocine, vitamin B-12?

10

A. That's correct.

Q. And what about Tony Issajenko? Was he one of your athletes in the fall of '86 leading into the '87 season?

15

A. No, he had quit track once Angella had the baby and opened up a shoe store so he really had basically retired from competition and was helping to take care of the family.

20

Q. Then, Mr. Francis, that would, I think, complete calendar '86 leading into the '87 season. I want to move you along -- sorry?

A. I thought I might bring up at that point that there was a training camp at St. Kitts ---

Q. Oh, yes, I'm sorry.

A. ---held at that time. We did not have

25

a lot ---

THE COMMISSIONER: This is the fall of '86?

THE WITNESS: In the fall of '86, leading
towards the calendar year '87. Dr. Astaphan had called
and suggested that we have a training camp there. He knew
5 that we had no money available for the camp but he said
that between himself and friends he had on the island he
could arrange for room and board for all of the athletes
for free.

And in addition, he contacted BWIA Airlines
10 and arranged for free tickets for the group to fly there.
It was simply a matter of the athletes having a little
expense money to look after getting a coffee or whatever
and it would be an excellent arrangement and he set the
whole thing up for a period of two weeks.

15 Q. And so, who went down to St. Kitts?

A. A number of athletes, actually. I went
down, Waldemar Matuszewski, Angella Issajenko. Tony
Sharpe did not go because he began to have achilles
problems and so on but Ben Johnson went, Cheryl Thibedeau
20 and France Gareau and Katie Anderson.

Now, these athletes, I might point out, did
not use steroids at that time.

Q. All right. Anyone else?

THE COMMISSIONER: The last two you mentioned?

THE WITNESS: France Gareau and Katie Anderson were also training in my group.

THE COMMISSIONER: But were not on a steroid program?

THE WITNESS: They did not use steroids, no.

BY MR. ARMSTRONG:

Q. All right. And was this trip to St. Kitts Ben Johnson's first trip there so far as you are aware?

A. Yes, as far as I am aware.

Q. How did the training camp turn out?

A. I thought it worked out very well.

There is no tartan track there and the weightlifting facilities are a little primitive, but they had rolled a grass field for us so they could do a lot of work on the grass to protect the athletes' legs from the stress of pounding on a hard surface.

And they were training on the beach where they could do water -- work in the water up to their waist and so on which gives them very good resistance work, and

they were training twice a day.

Q. And what contact if anything during that period of time was there with Dr. Astaphan?

A. The program of steroids continued during that period administered by the doctor.

Q. And to whom was he administering steroids in the -- at this training camp in 1986?

A. To Ben, to Angella Issajenko, and to Cheryl.

THE COMMISSIONER: To who?

THE WITNESS: Cheryl Thibedeau.

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. And do you know what steroids he was administering to those three people?

A. To my knowledge the Furazabol and also the Inocine and B-12.

Q. And do you know how many shots a week during the period of two weeks that they were there?

A. At that time, two shots per week.

Q. All right. And was it the one cc to Johnson, and the one-eighth or one-quarter cc to the two women?

A. Yes, I believe so. I didn't see the

injections.

Q. Where did Dr. Astaphan do these injections?

A. Either at his office or at the hotel where he had -- had us staying.

Q. All right. And then you must have returned to Toronto then after that training camp to get ready for the indoor season?

A. Yes, that's correct.

Q. All right. And presumably during the indoor season of January and February that we reviewed on Tuesday, your athletes would not have been involved in taking steroids in that period of time?

A. No, that's correct.

Q. Then let's go to the March - April period of 1987 when typically you would have been in a training mode, and I am sorry I have lost it, but I think in '87 you trained in two places in the spring. One was Tallahassee, Florida, am I right? And the other, was it Provost, Utah?

A. Yes, I believe so, in Tallahassee and in Provost, Utah as a competition period.

Q. I see, sorry.

A. So, it was not a training program.

Q. In any event, going to the period

March-April '87, after the indoor season, who of your athletes were involved in a steroids program at that time?

A. Ben Johnson, Angella Issajenko, and Cheryl Thibedeau.

5 Q. All right. And dealing first of all with Ben Johnson, was he receiving the injections of Furazabol?

A. Yes, that's correct.

10 Q. And that would be again the -- starting with a cycle of one cc a week -- or, sorry, one cc three times a week?

A. Yes, that's correct.

Q. Followed by a second cycle or period of one cc twice a week?

15 A. Yes, that's correct.

Q. And again the breakdown between the first and second cycle, how many weeks at three times a week, and how many weeks at twice a week?

20 A. Three weeks of each period for a total of six weeks.

Q. Then during this period in the spring of 1987, was Johnson also taking 2 milligram tablets of Winstrol/Stanozolol?

A. Yes, I believe so.

25 THE COMMISSIONER: Where was the -- where

were the drugs coming from? You had this time?

THE WITNESS: Okay. At this point, we missed that one point, I am sorry, sir. In the fall of 1986, Dr. Astaphan provided, I believe, there were 18
5 bottles of the Estragol substance as well as a similar number of bottles of the Inocine.

MR. ARMSTRONG: Yes.

THE COMMISSIONER: Was this in
Guadeloupe -- at least in St. Kitts?

10 THE WITNESS: No, he provided them in Toronto.

THE COMMISSIONER: No, I mean where did you get them? You got it from him, did you?

15 THE WITNESS: From him, yes, from Dr. Astaphan.

THE COMMISSIONER: When you were in St. Kitts or before he left?

THE WITNESS: Just before he left in Toronto.

20 THE COMMISSIONER: I see.

BY MR. ARMSTRONG:

Q. And did he supply these bottles to you before he left Toronto permanently to go back to St.
25 Kitts?

A. Yes.

Q. All right. And did he charge you for them? Did you pay Dr. Astaphan for the Furazabol/Estragol?

5 A. Yes, I believe so.

Q. All right. And who paid for it?

A. I did.

Q. Yes. Do you remember what you paid?

10 A. Oh, I think it was about \$50 a bottle or something to that effect. They weren't particularly expensive. And I believe it was \$20.00 a bottle or something for the Inocine and B-12 mixture.

THE COMMISSIONER: I am sorry, you said 18 bottles of what you understood to be Furazabol.

15 THE WITNESS: Yes.

THE COMMISSIONER: And 12 of the others, is that what you said?

THE WITNESS: No, I believe there were 18 in total of the others as well.

20 THE COMMISSIONER: 18 and 18.

THE WITNESS: Yes.

BY MR. ARMSTRONG:

25 Q. Now, I am just going to show you, Mr. Francis, from an envelope that I have just for the

purposes of investigation that for the purposes of the record so that we have a record from where I am taking this bottle that I am going to show you, it's in an envelope marked E 753359.

5 And in this envelope is a plastic bag containing a bottle that has a liquid in it which I would describe as a milky white substance. Do you recognize that bottle or a bottle similar to that? Have you ever seen a bottle similar to that before?

10 A. Yes. It looks a little -- a little cloudy. Normally it would settle out and you would have a clear liquid on the top and milky white on the bottom until you mixed it. It appears that it's mixed here. So, it looks a little bit different but I am assuming it's the
15 same.

 Q. All right. Well, I have been -- I was carrying it around before the hearing started this morning and that may account for that?

 A. Yes. So, it's probably been mixed from
20 being moved around.

 Q. So, ordinarily when it's sitting on the shelf, as it were, the top portion would be kind of a clear liquid?

 A. Yes.

25 Q. Like water?

A. Yes.

Q. And the bottom portion would be settled into a sort of milky white substance.

A. Yes.

5 THE COMMISSIONER: Is that the type of bottle that you were told had Estragol into it?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: But it's not labeled?

THE WITNESS: No, it was not labeled.

10 THE COMMISSIONER: And the only information you had as to the contents would be what Dr. Astaphan told you it was?

THE WITNESS: That's correct.

15 BY MR. ARMSTRONG:

Q. And that again, just perhaps questioning on the obvious, I think you have already made it clear, but was that again the type of bottle with the type of liquid in it that you obtained from Dr. Astaphan in the fall of 1986 before he left Toronto and went down to St. Kitts?

20

A. Yes, that's correct.

Q. Was it from bottles like this that you took the milky white substance to inject into Ben Johnson and your other athletes?

25

A. Yes, that's correct.

Q. All right. Now --

THE COMMISSIONER: Do you want to make that
an Exhibit now?

5 MR. ARMSTRONG: Yes, could I put this --

THE COMMISSIONER: It would be dealt with
later of course.

MR. ARMSTRONG: -- in the envelope.

10 THE COMMISSIONER: Only for identification
for the moment.

MR. ARMSTRONG: Mark it --

THE REGISTRAR: 117.

THE COMMISSIONER: Well, for identification
only. You are going to prove it later.

15 MR. ARMSTRONG: Yes. I wonder if we have
already had an exhibit marked for identification, whether
we are on B.

THE COMMISSIONER: We are on several others
now. We will make this 117A for identification.

20 MR. ARMSTRONG: 117A for identification.
Thank you, Mr. Commissioner. I am just going to hang on
to it for a moment, Mr. Commissioner, and I will give it
to the Registrar in a moment.

THE COMMISSIONER: All right.

25

--- EXHIBIT NO. 117A for Identification: Bottle
containing milky white substance.

BY MR. ARMSTRONG:

5 Q. Now, you, just in response to questions
from the Commissioner, indicated that when you received
these bottles there were no labels on them. And indeed we
have -- our staff has put a label on this bottle that
would not have been there when we got it.

10 You mentioned yesterday that there was one
bottle at least that you had seen with a handwritten label
on it that had words to the effect "not to be taken 28
days prior to competition". I don't know if I fairly
described what the words were, but do you remember that
15 evidence?

A. Yes, that's correct.

Q. And what were the words; have I got
them right?

A. I believe it was "do not take within 28
20 days of competition" in handwriting. And that was a
bottle that Ben had in his possession.

Q. All right. How did Ben Johnson have a
bottle such as that in his possession? I thought either
Astaphan had it or you had the stuff?

25 A. He got it from Dr. Astaphan, he told

me.

Q. All right.

A. And he liked to keep it with him.

Q. And when he came to your apartment then
5 for injections, did he ever bring that bottle with him?

A. On occasion, yes.

Q. Yes. And what color liquid was in that
bottle?

A. Similar.

10 Q. Similar, that is the milky white liquid
that we see in the bottle that I hold in my hand?

A. Yes, it appeared so when you drew it
out of the -- in the syringe, but with the label around it
it was difficult to -- it had a tape label, you know,
15 going around most of the bottle, so --

THE COMMISSIONER: But you --

THE WITNESS: -- it was difficult to see
the color.

THE COMMISSIONER: When you injected some
20 of that from a bottle, was it white when you took it out?

THE WITNESS: Yes.

BY MR. ARMSTRONG:

Q. All right. So sometimes he came to
25 your apartment with the bottle that had the label on it,

"do not take 28 days prior to competition" or words to that effect, but sometimes he didn't have that bottle?

A. Yes. The last time I saw that was during the spring period of 1987. That's the last I saw of that bottle. During the rest of the time, he got the substance from me or Dr. Astaphan.

MR. ARMSTRONG: I will just pause for a moment. Thank you.

10 BY MR. ARMSTRONG:

Q. Now, in the spring of 1987, apart from the Furazbol, I am sorry I can't recall if I asked you this but just to get it back in context even if I have, was Johnson also taking the 2 milligram tablets of Winstrol/Stanozolol?

A. During the first period, yes.

Q. All right. And how do you know that?

A. Because he told me.

20 Q. And where did he get the Winstrol tablets?

A. He had had them my understanding is from Dr. Astaphan. And I believe he had the same bottle for several years since he used very few of them.

25 Q. All right. Now, let me just ask you another question about this drug Winstrol. Have you ever

heard of a drug called Winstrol-V used for veterinary
purposes only?

A. Yes.

Q. Used for veterinary purposes only is
5 not the name of the drug, but you have heard of Winstrol
V?

THE COMMISSIONER: Intended for use by
veterinarians.

MR. ARMSTRONG: Yes.

10 THE WITNESS: Yes.

15

20

25

BY MR. ARMSTRONG:

Q. To your knowledge did any of your athletes ever receive any Winstrol-V?

A. Not to my knowledge, no.

5 Q. All right, and to your knowledge did Dr. Astaphan ever have in his possession a drug called Winstrol-V?

A. Yes, I believe he did.

Q. And what do you know about that?

10 A. I believe some athletes involved with throwing events have used it.

Q. And when you say you believe that he did have Winstrol-V in his possession, is that something you saw at his office or something that he told you?

15 A. Something that other athletes mentioned and he also mentioned it.

Q. All right, then, in regard to the other members of your group that in the spring of 1987 -- that is, Cheryl Thibedeau and Angella Issajenko, were they also, so far as you were aware, on the Furazabol program in the March-April period?

20

A. Yes, that's correct.

Q. And Angella Issajenko, presumably, would be receiving the injections at home?

25 Q. Yes?

A. Cheryl Thibedeau, was she still receiving injections from you in your apartment?

A. Yes, she was.

Q. I think you mentioned yesterday that Tony
5 Sharp, by the spring of '87, was injured, so I take it he wasn't on a steroids program, so far as you were aware in the March-April period in 1987?

A. No, not to my knowledge at any subsequent time.

10 Q. And in that period of March-April, 1987, was Ben Johnson regular in his attendance at your apartment for the injections or was it the same experience that you had in the fall of '86?

A. He was pretty regular at that time.

15 Q. All right, then, I want to move you along to the summer period of 1987, and specifically the end of June, beginning of July, after the European -- I believe European outdoor, first European outdoor meets that you would have attended in May and June. Was there a steroid
20 program entered into by one or more of your athletes at the end of June, early July, 1987?

A. Yes, there was.

Q. And who was involved in that?

A. Ben Johnson, Angella Issajenko and Cheryl
25 Thibedeau.

Q. And dealing, then, again with Ben Johnson, what steroids did he receive?

A. Only the Furazabol.

Q. And that was, of course, injectable Furazabol?

A. Yes.

Q. And where did he -- from whom did he get the injections?

A. He got them from me.

Q. At your apartment?

A. Yes.

Q. And in what amounts over what period of time?

A. Two shots per week over a period of two weeks.

Q. And that would be at a dose of one cc?

A. One cc, yes.

Q. And Thibedeau, Cheryl Thibedeau, did she attend at your apartment to receive the shots of Furazabol?

A. Yes, she did.

Q. And was that two shots a week for two weeks?

A. Yes, at one-eighth of a cc.

Q. And again, Issajenko, I assume she was looking after her own shots at home?

A. Yes, in the same amount.

Q. Again, I take it that during this period of time they would also be receiving a mixture of the Furazabol with the inocine vitamin B-12?

5 A. Yes, that's correct.

Q. What about the Winstrol tablets? Was Johnson taking any Winstrol tablets at that time?

A. Not to my knowledge, no.

10 Q. All right, then, Mr. Francis, I wanted you to take a few minutes, if you would, with us to tell us something of your training program and just where the steroids fit in, if you would.

15 You have told us how important it is for you to know whether your athletes are on steroids, how important it is to adjust the training program so far as it relates to the steroids, and, in anticipation of my asking you questions about this, you indeed have prepared some further material for us, have you not, that can be demonstrated in graphic form? And we will just take a moment and --

20 Oh, sorry, we're a little disorganized this morning. Mr. Francis, really, in order that everybody can hear him, should have one of these lapel mikes. Could we --

25 All right, we're looking at Exhibit 116, and in particular we're looking at the graph that is headed "Planning /Periodization".

I think you should just take us through that. You might just explain again -- I know you did the other day, but to get us back in the context -- what the word "periodization" means?

5 A. Well, basically it divides up the season into training and competitive periods. As you -- it would be too long in any given year for the athletes to train straight through and then have only one major peak. They would be too far away from the speed work of the previous
10 year and so on. It would not be feasible to maintain or to recoup the speed that had been gained the year before if they waited all the way through until the next year. So most countries in fact have at least a double periodization, meaning that they have an indoor competition period and an
15 outdoor competition.

In our case we use a triple periodization, meaning that we have an indoor season, an early outdoor season and a late outdoor season of increasing significance. In other words, the competitions in August and September and
20 so on are usually of the primary importance during the summer.

Now, before each of these competitive periods would come the training block, and this is representative of a training period. The graph at the top here indicates
25 methods of strength development with muscle stimulation and

weight training. This graph would indicate the volumes of work done in jumps and hops and so on, or other explosive activities which are related to sprinting.

5 I might point out that in Ben Johnson's case, he does not do jumps because he had a history of chondro malacia in his knee and he stayed away from that type of activity and concentrated more on weight training. There are many top sprinters who in fact do not do weight training, such as the East Germans, but they do a great deal
10 more work in explosive jumps to compensate for this choice.

THE COMMISSIONER: What's an explosive jump?

THE WITNESS: Usually hops up and down from boxes or other heights. It's called depth jumping, as well.

15 MR. ARMSTRONG:

Q. Death jumping?

A. Depth jumping.

Q. Depth jumping.

A. It's only death jumping if you jump from
20 too high.

Q. All right.

A. And this graph represents the volume of speed work, which would range, from the beginning of the training period, from 2,000 meters per week up to a maximum
25 of 3,000 meters per week. And this represents the volume of

slower running or tempo work, and it runs up to 2,000 meters in one daily session, or 6,000 meters in a week at the maximum for a sprinter.

THE COMMISSIONER: Can a good sprinter have a pretty good idea of his own speed?

THE WITNESS: Yes, very. In this program it works out very well because by the later period of the program, in fact, in practice they are running at speeds roughly equivalent to what you can expect in a race.

This was one reason why we were able to predict very closely the times that Ben would run in various races. For example, we predicted in Rome that he would run 9.85 seconds and he ran 9.83, so he was virtually right on the predictions. We assumed in Korea he was around 9.80; he ran 9.79, but in fact would have been faster had he run across the line, not waved to the crowd or whatever.

BY MR. ARMSTRONG:

Q. Just pausing there, what would he have run had he not waved to the crowd?

A. We have the electronic splits all the way through the 100 meters in Korea. He was eight hundredths of a second under his own world record at 80 meters, so the projection would be that he would have run 9.73 had he not stopped and waved, so it puts the performance in

perspective.

Q. When you say you have the electronic splits, you indeed have the electronic splits for every 10 meters of that race?

5 A. Yes, we do.

Q. Both for Lewis and Johnson?

A. Yes, and it shows his performances at every interval throughout the race. Perhaps we will go through that when we get to Korea.

10 In order to prevent the athletes from being overloaded with work, the maximum strength portion of the training is only three weeks long, because if they train any longer than that they will be overloaded with work. So they work at increasing their maximum --

15 THE COMMISSIONER: Is this lifting weights?

THE WITNESS: Lifting weights, yes. They increase the work for three weeks, they have a week of recovery where the weights are reduced in both volume and intensity, and then again they come back and lift for
20 another three weeks.

THE COMMISSIONER: And at the same time would they be doing explosive jumps, speed work and tempo work, or is that exclusive for those three weeks?

THE WITNESS: Well, that becomes -- I guess
25 we should clarify which exercises they do. They do very few

lifts. For example, with Ben Johnson, he does about four different exercises. He does bench press, squat, hamstring curls -- actually, there's five, incline press and pull-down exercises for his arms. So it's not actually a large number
5 of exercises there, and of course he does not do the explosive jumps. So they would usually do speed work and weightlifting on the same day and tempo work or other exercises on the alternating days so that they could recover. It usually takes 48 hours to get over very high
10 intensity work.

So I guess that probably should cover it, we will go to the next --

BY MR. ARMSTRONG:

15 Q. All right, we will go to the next slide, then.

A. In this next graph there wasn't room to put -- maybe we can move it right up. Do we have enough room to bring the whole thing -- I guess we need to bring
20 the whole apparatus in closer to -- I guess that's about right. Yes, we've got it right now, that's good.

Okay, this is a graph of the whole season and if you can use your imagination, you just fill in the blocks here. Each one of these training blocks would have a graph
25 similar to what you just saw, but the emphasis throughout

the season changes.

Q. Just before you proceed, it doesn't show on this, but you have attempted to depict the 1987 training and competitive season?

5 A. Yes, this is 1987, that's correct.

Q. And indeed, it really depicts the training of Ben Johnson during this period, does it not?

A. Yes, well, the whole group was on a similar program, but the main emphasis in this would be on Ben's situation.

10

Q. All right. Why don't you just slowly, if you would, take us through and tell us what this chart says? Wait a minute, are you having trouble seeing that?

THE COMMISSIONER: No, I have a copy here, that's okay.

15

THE WITNESS: Okay, this first training block, the strength -- as you may understand, the more you work on increasing your strength, the less energy you will have available for any of the other portions. So the maximum gain in the season would be worked on in the first training session, farthest away from the most important event, which is the world championship.

20

So, for example, a weightlifting goal here would be an improvement of 10 per cent, which is quite a substantial amount in strength. So in Ben Johnson's case he

25

had a goal of increasing his strength by 10 per cent in the beginning. Because he is more loaded in weight training during this period, he would spend most of his time working on starts and accelerations over short distances to a maximum of 60 meters, but mostly zero to 30 meters and so on, and this is the speed emphasis. Mind you, he would also be doing tempo running at distances of 200 or even 300 meters and so on, but at a very low rate of speed.

In this training block, the emphasis on weight training --

MR. ARMSTRONG:

Q. All right, just hang on for a moment. The first training block that you referred to is the fall period --

A. The fall.

Q. -- October-December, in the yellow block. You're now moving on to the next training block, which is the spring period of 1987.

THE COMMISSIONER: Well, January-February we have the indoor competition, January-February; you passed it.

THE WITNESS: Yes. I thought we would go through the training blocks and then go through the results in the competition, if that's all right.

THE COMMISSIONER: Yes.

THE WITNESS: From March to May you have another training block where at this time the maximum strength gain is up to 4 per cent.

5

BY MR. ARMSTRONG:

Q. Yes?

A. Now, that means that in fact he is stronger here than he was here, but the difference is less, so it's easier on the system. So he wants to improve at 4 per cent in the weightlifting here. And in fact, because he is under less load from the weightlifting, he can attain higher speeds than the maximum speed, and his emphasis now changes from the starts and early accelerations to distances between 30 and 120 meters, where he can expect to have excellent results at those distances. So throughout both of these blocks he is increasing his maximum velocity and his acceleration.

10

15

Then in the third training block the weight training gains are from zero to two per cent, so there is very little stress on the system at all from the weight training. Even though in fact by the end of the period he's lifting more than ever before, the difference is very small. So during that period he has already reached very high speeds in training, higher than the season before in the

20

25

first two blocks. Now he wants to have the endurance to carry these new speeds through to the finish, so his emphasis would be from 60 to 200 meters, the primary emphasis on distances from 150 -- 120 meters.

5 Now, going back to how it all worked out --

Q. Can I just stop you there, before you tell us how it all worked out? How does this program of training differ from what I would call the orthodox system of training or the traditional system of training sprinters
10 in former years? Is there a difference?

A. Yes. Primarily, athletes in the world train from longer distances to shorter distances. They try to develop their maximum endurance at the earlier part of the season and taper down farther and farther until they get
15 into the competitive period. We go in the other direction, from the shorter distances to the longer distances, the reason being that we feel that if you can build up your maximum speed to the highest possible level, you then can develop specific endurance at the required speed. If you
20 spent all your time on strength and conditioning in the earlier part, you would never achieve the speed necessary at the other end.

For example, all the endurance in the world for a sprinter at 11 meters per second won't help him when
25 his top competitors in fact are travelling at 12 meters per

second in the most important phases of the race. That means that during every ten meter segment they will fall five feet farther behind.

These blocks here represent the steroids.

5

Q. Now you are pointing out the orange triangular-shaped objects immediately above the yellow training blocks?

A. That's correct.

Q. Explain those again, please?

10

A. Okay, these are the three primary periods, six weeks here, six weeks here --

Q. Just pause for a moment. Again, the October-December fall training period, six week steroid program, going into the March-May training period, after the indoor season before the outdoor season, a six week period --

15

A. Six week period, and then a two week period here in July.

Q. All right.

20

A. So there is a total of 14 weeks in the season in which they would take steroids. The rest of the season they would not be taking any.

Q. Now, you explained this yesterday and it is shown graphically here by the shape of these triangles that the steroid program appears to be designed to get the

25

largest quantity of the steroid at the beginning of the training period, is that right?

A. Yes, that's correct.

Q. And again, is that different from what
5 you believe or know that other athletes may follow or have followed in the past?

10

15

20

25

A. Yes, it is. Most people have a much longer training phase and during the training phase, they begin without steroids and then add the steroids later.

In other words, they work until they reach a very heavy fatigue state and attempt to recover from the fatigue state through the use of anabolic steroids.

In our case, we're trying to prevent the fatigue stage from setting in, in the first place.

THE COMMISSIONER: This was Dr. Astaphan's suggestion, I think you told us?

THE WITNESS: Yes, sir. He tempted to -- he felt that this method would coincide better with the training that was being done than any other and you also be with farthest away from any competitive period.

So, you could expect that our athletes would be farther away from steroid use during any given competitive periods than any of their other competitors.

THE COMMISSIONER: And any less likely to

THE WITNESS: Less likely to test positive. They also had a shorter exposure to steroids than any of their competitors with less amounts, lesser amounts and shorter duration because they weren't overloaded from the training in the first place and didn't require so much to get out of the hole that they dug for themselves in the

training.

So this made sense to me and I think it also showed the importance of the fact that we were communicating with each other to discuss the effects of performance enhancing drugs with the training program in general.

MR. ARMSTRONG:

Q. Now, in this case ---

THE COMMISSIONER: Communicating with whom, I'm sorry.

THE WITNESS: With Dr. Astaphan.

MR. ARMSTRONG:

Q. Then I don't want to move you ahead too quickly and if I am, just tell me and you take over. I take it, from looking at this graph and from what you said earlier, that the object of this training program is to have your athlete, and in this case, for example Ben Johnson, peak at particular important competitive times during the course of the 1987 year?

A. Yes, that's correct.

Q. All right. And are we ready to go into that now then? Can you just take us through that, as to how it developed?

A. Because of this particular training system and because of the location of the steroid blocks and the small amount of steroids involved, Ben was able to compete more often than any of the other major competitors in the world and at a higher level because his muscles would be fresher and looser.

So, not only was he able to compete more often but he used the competitions to develop his speed.

Q. So, in effect, the competitions really become a part of the training program?

A. Yes, that's correct. Because after all, if you're going to run fast, then why not get paid for it? So, it made sense to me and certainly pleased Ben well enough.

The situation here, just for the '87 example, January the 15th, Ben Johnson in Osaka, Japan, ran 6.44 seconds which was a new world record.

THE COMMISSIONER: For 60 metres?

THE WITNESS: For 60 metres. In February, I believe the 21st, he ran 6.44 seconds again for 60 metres.

I guess I'm getting ahead of myself here -- I'll go back. January the 15th, he ran the 6.44.

Then he went to Australia and ran an outdoor race a few days later where he ran 9.7 for 100 metres

hand-timed which is the fastest hand-timed ever recorded.

He came back to Canada and January the 30th he ran in the Ottawa competition and ran 5.55 seconds which was a new world record for 50 metres.

5 On February the 21st, in Edmonton, he ran 6.44 seconds again to equal his new world record over 60 metres.

10 And on March the 7th, at the highest point after freshening, up he ran 6.41 which was another world record.

So he had the world record in the world championships which is your goal, to have the world record on the day when it counts the most which is, of course, is the world indoor championship.

15 You'll notice throughout the training there is a series of R's here. They represent recovery. In this case, in actual fact, there's no running at all for three or four days.

20 MR. ARMSTRONG:

Q. I'm sorry. You're just pointing to the recovery block immediately between June and July?

A. Yes.

Q. On the graph?

25 A. That gives him a chance to recover from

the air flights and so on and recover. There is actually no training at all during that period.

In these recoveries, they rule actually a ten-day period in which maximum speed in both numbers of runs and in volume is reduced.

In other words, none of the runs exceed 95 per cent of maximum capacity and usually there are only a few runs in a practice session. That gives him a chance to consolidate all the gains he's gotten from the training here, the body freshens up and reaches the highest peak.

In this period, the competitions were of less significance so there is no real peaking in particular; this line.

Q. Let me just stop you there. Again, you're pointing to the period May, June 1987?

A. Yes, that's correct.

Q. In the competition ---

A. Yes.

Q. ---period?

A. He ran a best time during that period of 10.02 and also had a 10.06 in a head wind where he defeated Carl Lewis again.

Q. I'm sorry, when and where was the 10.02 time achieved?

A. That was in Calgary on June 2nd.

Q. All right.

A. Maybe not -- that was June the 6th. I only remember that because it was Cheryl's birthday. So it's easy to remember.

5 So, he ran the 10.02 in Calgary on June the 6th. He ran on May 28th in Seville. I'm sorry, 10.02 in Calgary and 10.06 in Seville and again 10.07 at the end of the period in Athens in late June.

Q. All right.

10 A. Okay? And they had four days off when they returned home from the European trip and came back for another block of training and again for two weeks of steroids.

Q. And this again is early July, 1987?

15 A. Yes, that's correct.

Q. Late June, early July?

A. Late June, actually.

Q. Late June they have the rest and training period starts late June and early July?

20 A. Yes, so there was one week in June and all of July.

Q. During that period, as you indicated this morning in your evidence, there would be at the beginning of the training period, the steroid program for
25 Issajenko, Thibedeau and Johnson that you have described?

A. Yes, that's correct.

Q. Right.

A. Now, there was a ten-day period again
of tapering and recovery for the national championships
5 which we consider a high priority. So we attempt to have
a high performance here and in Ben's case he ran 9.98
seconds at the national championships.

Q. And those would have been in -- were
they in Ottawa in 1987?

10 A. Yes. In fact, he ran six races there.
100 and 200 metre races, heats, semis and finals and he
won both and he ran 9.98 in the 100 metres. And that was
the fastest time recorded on Canadian soil by anyone.

Now, there was another ten day recovery
15 block after this intensive period of racing at the
national championships which built up to an even higher
level. He ran in Malmo on a very cold day.

Q. In Sweden?

A. Malmo, Sweden.

20 THE COMMISSIONER: In August?

THE WITNESS: In August the, I believe it
was the 10th -- August the 10th.

MR. ARMSTRONG:

25 Q. Whose birthday was that?

A. Not mine. Okay. August the 10th, it was in Malmo and it was cold and the track had not been re-surfaced yet, it was very slow. He ran 10.05 in those conditions which was the fastest time ever recorded in Scandinavia.

August the 13th, he had a race in Koblenz where he ran 10.00 into .5 metre per second head wind.

Q. Koblenz, West Germany?

A. Koblenz in West Germany.

August the 16th in Cologne he equalled his own world sea level best time of 9.95 with a zero zero head wind, no wind at all. He also had a rather difficult accident there. They had a press photographer sitting cross-legged, exactly ten metres past the finish line.

He did three spins in the air after hitting the guy and landed flat on his back. It was quite terrifying for all concerned. But, fortunately, he got up and walked off which was quite amazing, with quite a number of bruises and cuts on his back.

August the ---

Q. There is a bit of an interesting story there that you might tell. I understand that everybody thought he was out for the count, as it were, until apparently he was -- was that at the time he came to your rescue?

A. Yes, he did. We came running down to the track to see what had happened to him. He was lying flat on his back on the ground and I was obviously very worried. I couldn't get through the press and so on,
5 so I was trying to push the cameraman back and one guy took exception to it and took a couple of hits at me and Ben immediately jumped off the ground ---

THE COMMISSIONER: You mean, the cameraman would do that?

10 THE WITNESS: No -- no, none of these guys would do that.

MR. ARMSTRONG:

Q. So in any event, it was at that point
15 that Ben jumped off the ground and came to your rescue?

A. Yes, he bailed me out very quickly. So, I assumed from that point that he was okay.

And August the 19th, in Zurich, he got his bruises cleaned up and so on and his contusions, and he
20 ran 9.97 seconds into a negative 1.2 metre head wind which is an absolutely astounding performance. It's worth at least 9.85, if there had been no wind. So, we knew he was ready for the nationals.

Q. You mean ready for Rome?

25 A. I am sorry, ready for Rome. He had one

minor relay competition after that but it was considered only a work out.

So he had ten days basically to freshen up. And there was 11 days until August 30th. So he had his recovery period and then ran the 9.83 in Rome. So you can see that the peaking, you know, during the outdoor season increased from here, to a higher level, higher still and then the maximum.

Q. All right, thank you very much. I think that completes that segment of your evidence in that graph. We'll just take down the projector.

May I just have a moment?

THE COMMISSIONER: All right. You may be seated now, Mr. Francis.

MR. ARMSTRONG:

Q. Just going back to the fall of '86 and the spring of '87 and indeed the summer of '87 when Ben Johnson would come to your apartment to receive the shots of Furazabol or Estragol, do you believe that he understood that he was receiving injections of an anabolic steroid?

A. Yes, I do.

Q. And so far as the Winstrol is concerned that you say he told you he was taking in the fall of '86

for a week or two week period and again in the spring of '87, can you recall what it was he said to you to indicate that he was taking the Winstrol?

A. The Winstrol tablets?

5

Q. Yes?

10

A. He just mentioned that he was getting stiff and so he wasn't going to take them throughout the whole two week period. He said the things make me very tight and I suggested to him to stop taking them at that point and he said, yes, I don't want to take them through the two week period.

15

Q. Mr. Francis, I want to turn our attention to the 1988 season. Again, starting with the training period during the fall of 1987 and during the fall of 1987, who of your athletes, if any, were on a steroid program?

A. Well, there was Ben Johnson and Angella Issajenko.

20

Q. Now, in the fall of 1987, were you joined in your group by an athlete called Tracy Smith?

A. Yes, that's correct.

Q. And where had she come from?

A. She had been at the University of Toronto.

25

Q. And she was a long jumper, was she?

A. Yes, she was.

Q. And had you ever coached a long jumper before?

A. No, I had not.

Q. And why did she come into you?

A. Actually, I should take that back.

Dave McKnight did the long jump once and, in fact, beat Carl Lewis in a competition when Carl Lewis was a junior in a high school. They taped a cardboard under his nose so he couldn't see the board and he jumped 26 feet. It was his one and only period of a long jumper, but he could never hit the board. But, he was a sprinter of some note.

Q. All right. In any event, how did it come about that Tracy Smith joined your group to be coached by you?

A. She had been very unhappy with problems she had had with injuries and so on the year before at the University of Toronto. She told me that she had been forced to jump on a foot against medical orders by her coach at the world championships in Rome and that she had injured a tendon under her foot. She had already received a cortisone injection from Dr. Clement for this and was told not to jump prior to the games and was forced to do so in practice and therefore was in great difficulty during the actual games because she could not receive a

second injection.

Q. Sorry, what Games were these?

A. At the world championships in Rome.

Q. I see. All right. So, in any event,
5 she decided to come and train with you?

A. Yes, she did.

Q. All right. And ---

THE COMMISSIONER: Was Tony Sharpe still
with you at that time?

10 THE WITNESS: Well, Tony Sharpe was still
having problems with the achilles tendons and so on. He
was attempting to train.

THE COMMISSIONER: Were Desai Williams and
Mark McCoy still on their own?

15 THE WITNESS: Well, it was at this point
that they actually came back to the group.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

20 Q. That's exactly where I was going. You
indicated in your evidence, either yesterday or Tuesday, I
think Tuesday, that they left the group in the fall of
1983 and they came back then, did they, in the fall of
1987?

25 A. Yes, they did.

Q. And up to that, more or less four year period, they had been coaching themselves, as it were?

A. Yes, they had.

Q. All right.

5

THE COMMISSIONER: I'm sorry to interrupt. So, in the fall of '87, you have Mr. Johnson, Mrs. Issajenko, Tracy Smith and who else now -- what was that one?

10

MR. ARMSTRONG:

Q. Desai Williams and Mark McCoy.

A. And Molly Killingbeck.

Q. And, right, Molly Killingbeck.

THE COMMISSIONER: What about Thibedeau?

15

THE WITNESS: Thibedeau had difficulties with her foot again and ---

THE COMMISSIONER: So Molly Killingbeck was in the group at that time, in the fall of '87?

THE WITNESS: Yes.

20

THE COMMISSIONER: Sorry, Mr. Armstrong.

MR. ARMSTRONG:

Q. No, not at all. Killingbeck, you mentioned, was the girlfriend of Desai Williams and she left the group, did she, after Desai Williams and Mark

25

McCoy had left the group sometime in 1984?

A. At the end of the '84 season, she went out on her own.

Q. So, in any event, the three of them,
5 McCoy, Williams and Killingbeck all came back in the fall of '87?

A. Yes, that's correct.

Q. And Tracy Smith joined the group in the fall of '87, as you've indicated, and Angella Issajenko
10 and Ben, of course, are still being trained and coached by you?

A. Yes. I was incorrect on Cheryl. She was still training at that point. It was later in the winter she had a flare-up with her toe.

Q. All right. Now, in the fall of '87 you
15 mentioned Ben Johnson and, I'm sorry, I've lost it, who was the other person you mentioned was on a steroid program?

A. Actually, there was Ben, Angella
20 Issajenko, Cheryl Thibedeau and then we have the new group coming in.

Q. All right. So, how did it come about -- let's take the new group coming in. Let's start with Tracy Smith. How did it come about that, if she did
25 go on a steroid program -- I'm ahead of myself -- did she

THE COMMISSIONER: But it was not Coach Higgins?

THE WITNESS: No. Although, I should get it straight, he was, in fact, coaching her in the long jump but the discussion had been at an earlier period with ---

THE COMMISSIONER: Someone else.

THE WITNESS: Another coach.

10 MR. ARMSTRONG:

Q. Now, in -- so, as a result of her telling you that, what advice, if any, did you give her?

A. I suggested that she not do that, but rather do what the rest of our group was doing, with the Furazabol.

Q. All right. Did she agree to that?

A. Yes.

Q. Was there any monitoring of her medical condition or did she get any medical advice before she went on the steroid program?

A. She told me that she had been fully informed of this before and was aware of the situation and had her own personal doctor.

Q. All right. And then did Desai Williams go on a steroid program in the fall of 1987?

A. Yes, he did.

Q. How did that arise?

A. He and Mark McCoy came over and talked to me together.

5 Q. Yes. What was the discussion you had with him?

A. They asked if it was possible for them to get on the same program that the other athletes had been using with considerable success. They felt they
10 wanted to be part of it.

Q. What did you tell them?

A. I told them yes.

Q. And did you give them some advice as to what steroids they should take and what the program would
15 be?

A. Well, they had brought it up and wanted to be involved in the same program so there was no particular discussion of options in that area, strictly to use the Furazabol.

20 Q. And again, what steps were taken, if any, to see that their health was monitored or checked in any way?

A. They were told to see their own physicians and make sure they had blood checks and so on.

25 Q. Now, what about Molly Killingbeck? Did

she go on a steroid program in the fall of 1987?

A. Yes, she did. She came over separate from the other two and discussed it separately.

Q. She had been in your group earlier,
5 back before she left in '84, and indeed, I think in '83 you told us she had been on a steroid program at that time?

A. Yes, in the spring of '82 and
10 throughout 1983. I might point out that Mark McCoy, I have no knowledge of any use by him except starting at this point. So whatever -- if he did anything, he did it without my knowledge up to that point.

Q. All right. Then Killingbeck, then you
15 had a separate discussion with her in the fall of 1987?

A. Yes.

Q. Tell us about that, please?

A. The same discussion. She wanted to go
20 back on the steroids and again she said she had her own doctor and she would follow up.

Q. And did you again recommend the
25 Furazbol?

A. Yes.

MR. ARMSTRONG: That might be a good point
if that's all right.

25 THE COMMISSIONER: We will take the morning

break now, thank you.

---Morning recess

5

10

15

20

25

41
--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.
Commissioner.

5

BY MR. ARMSTRONG:

Q. Mr. Francis, I apologize, I realized in
reviewing where I was over the course of the recess this
morning that I had omitted to ask you about something that
10 occurred in January of 1987. So, I am going to move you
back to January 1987.

In January '87 did Ben Johnson go to Osaka,
Japan to compete in a track meet?

A. Yes, that's correct.

15 Q. And who went with him?

A. No one, he went by himself.

Q. He went by himself?

A. Yes.

Q. And obviously then you must have been
20 back in Toronto?

A. Yes, that's correct.

Q. And during the time that he was in
Japan, did you receive a telephone call from Ben Johnson?

A. Yes, I did.

25 Q. What did he say to you?

362

A. He said -- he told me that he had just broken the world record in the 60 meter run and that they were demanding a drug test. He wanted to be sure that in fact he had had sufficient time to clear his last
5 injection since -- this was a new ruling. In the past, drug testing was not generally done at indoor competitions, but under the new IAAF records, the 60 meters was now considered an official world record and would require a drug test like any outdoor record. And he
10 wanted to be sure that he had had a sufficient period of time to pass the test. I assured him that he had.

Q. All right. And is that then the sum and substance of that telephone call? I assume after you assured him that he had sufficient time to clear the drug
15 test, that he was relieved and that was the end of the conversation, or was there is anything else?

A. No, that was the end of the conversation.

Q. All right. Thank you. Now, I take you
20 along then to where we were at during the course of the -- just before the morning recess, and that is in the fall of 1987, the training period leading up to the 1988 season.

You had told us that Tracy Smith had joined the group from the University of Toronto track club and the circumstances under which she came to you to coach
25

her. Pausing there, I assume that a high element of long jump is speed?

5 A. Yes. She came to me with the understanding that she would develop her running ability and set up a program whereby she would rehabilitate her foot. The volume called for on the previous training chart she showed me showed that in fact she had been exposed to up to 4600 meters per day of tempo running on a very hard surface down at the University of Toronto which
10 consists of a rubber track mounted on a cement base which is very hard.

This volume was completely inappropriate for anyone in her event. As just for reference, such an amount of tempo is 60 percent farther than a quarter miler
15 would run, and in fact was over 100 percent more than would be required by a 100 and 200 meter sprinter. And in fact, her event required her to run a maximum 60 meters.

20 So, it was more inappropriate particularly in light of the difficulty she had with the severe foot injury the year before.

Q. All right. Then, Mr. Francis, you further indicated that McCoy, Williams, Killingbeck came back to the group. And in respect of Williams and McCoy, you had a discussion with them that they wanted to enter
25 into a steroids program. Killingbeck said she wanted to

get back into a steroids program. And so far as Tracy Smith is concerned, she indicated to you also that she wanted to go into a steroids program.

That then leaves us I believe with Ben Johnson whom you said was in the steroids program in the fall of '87. And I am not sure now where we sit with Cheryl Thibedeau?

A. Yes. She was on a program at that time. It was later in the winter where she had a foot injury.

Q. All right. Now, let's take the men. First of all, Ben Johnson, what was the program for him in the fall of 1987?

A. He had a very short period, shorter than the others because of commercial endorsements and so on. He had many more appearances than he had ever had before and was doing a great deal of travelling. So, he had a very limited amount during the fall period. I believe he had three weeks in total of any steroid.

Q. What injections was he receiving?

A. He was receiving the Furazabol and one cc injections three times a week for the three weeks.

Q. All right. And to your knowledge was he taking any other drug?

A. Not to my knowledge, no.

Q. Again would there have been Inocine and vitamin B-12 involved?

A. Yes, there would.

Q. Who gave him the injections?

A. I did.

Q. And where?

A. At my apartment.

Q. All right. Then what about Desai Williams and Mark McCoy, what was the program for them?

A. They had the same program, one cc three times a week of the Furazabol for the first three weeks, and then one cc twice a week for the subsequent three weeks.

Q. All right. And did they attend at your apartment for the injections?

A. Yes, they did.

Q. Then Tracy Smith, what was her program?

A. She took injections twice a week for a period of three weeks, one-eighth of a cc.

Q. Where did she she receive the injections?

A. At my apartment.

Q. In regard to Cheryl Thibedeau, what was her program?

A. She did six weeks, one-eighth cc per

injection, three times a week for the first three weeks,
twice a week after that.

Q. All right. And then I am sorry, I
think I have left out Angella Issajenko. What was the
5 situation with her in the fall of 1987?

A. She had the same protocol --

THE COMMISSIONER: Was McKnight with the
group that same --

THE WITNESS: Yes, McKnight and Sokolowski
10 were training with me at that time but I had no knowledge
of any use by them during that period. In fact I wasn't
sure whether in fact they were going to continue training.
I wasn't sure how to approach it. At any previous time
they had been going to Dr. Astaphan, so I didn't really
15 bring it up with them. And they didn't approach me
either.

THE COMMISSIONER: But they were training
with you at this stage?

THE WITNESS: They were training, but they
20 did not approach me at that time.

BY MR. ARMSTRONG:

Q. All right. Then the program of
Angella Issajenko, was it the same as Cheryl Thibedeau so
25 far as you recall one-eight cc a week for -- three times a

week for three weeks, and then twice a week for three weeks?

5 A. Yes, I believe so. I believe also that she -- well, she may have changed it at that point. I am not entirely clear. There was some adjustment that she made. She may have used less of the injections at that time and used some oral Dianabol for the first two or three weeks.

Q. All right.

10 A. So, I am not absolutely clear.

Q. All right. In any event, she was looking after the administration of her own program?

A. Yes, that's correct.

15 Q. All right. Now during the fall of 1987, did Ben Johnson become aware that Desai Williams, and Mark McCoy, Molly Killingbeck, and Tracy Smith not only had joined the group to be coached under you, but had joined the group and were participating in a steroids program?

20 A. Yes, he did.

Q. And did you have any discussion with him about the fact that Desai Williams, McCoy et al had --

THE COMMISSIONER: With whom was this? I just missed, the conversation with whom?

25

BY MR. ARMSTRONG:

Q. Did you have any conversation in the fall of 1987 with Ben Johnson concerning the fact that Desai Williams, Mark McCoy and this group had joined the steroids program?

A. Yes. He was very concerned about it. He felt that there was a doubling of the number of people who were involved and thereby increasing the likelihood that someone would know, it would be obvious to any of those people what he was doing on the basis of what they were being told to do. He felt that the circle of people with this sort of the knowledge was getting too large and he didn't like it.

Q. Sorry.

A. He made that clear to me.

Q. Where did you have this discussion with him and when was the discussion?

A. At my apartment.

Q. When was the discussion?

A. It would have been late October, early November.

Q. Was there anybody else present?

A. No.

Q. What was your response to him when he made that complaint to you?

A. I said that these individuals had been around for years, they had no reason to be anxious to talk about their own activities because they were all doing it themselves.

5 And second of all, I was employed as a coach for all of these athletes, and therefore, they were all entitled to make the same decision he had, you know, I couldn't simply tell them I didn't know anything or leave them out.

10 Q. Now before I leave the 1987 calendar year, there is one other athlete that I wanted to ask you about. There is an Italian sprinter by the surname Pavoni. Do you know that sprinter?

A. Yes, I do.

15 Q. What's his first name?

A. Pier Francisco Pavoni.

Q. All right. And at some time during 1987, did Pavoni come to Toronto to train at the sprint center under your direction?

20 A. Yes, he did.

Q. When approximately was that?

A. I guess it would have been in November of 1987.

25 Q. And for what period of time did he train with you?

A. Until the European indoor season started in the end of January, beginning of February.

Q. All right. And how was it that he came to train with you during that period?

5 A. During the '87 season in Rome he was injured in the world championships. He is an Italian national championship and he was a finalist -- well, in the quarter finals of 100 meters he had a quadriceps injury which is usually considered very serious.

10 He then -- Ben was quite friendly with him and brought him to our physiotherapist, Waldemar Matuszewski who was able to work on him and with Waldemar's help he was able to make it through the semi's and into the finals in the 100, and then later in the
15 finals in the 200 as well.

Q. I see. Well, I understand that happened at the world championships. So, as a result of that then did he make some request to come to Toronto to train with your group?

20 A. Yes, he did.

Q. And at some point did he become involved as a patient of Dr. Astaphan?

A. It was my understanding that he had seen him, yes.

25 Q. When he was in Toronto during the

period November 1987 up to the European indoor championships in the winter of '88?

A. I believe so.

5 Q. And while he was here, in that period of time did he have the same range of services that your other athletes had that is massage from Waldemar Matuszewski?

A. Matuszewski.

Q. Matuszewski.

10 A. Well, yes. I told him that he was free to come to Toronto, he could train with me with no problem, but he had -- there were -- there was one condition that were he to come and wish to use Waldemar's services that he would have to arrange with Waldemar to use him at a time away from the normal training time. And
15 he would have to compensate him separately for this additional work load.

Q. All right. And I suppose that arrangement was made because the other athletes in your
20 group were part of the Canadian Track and Field Association organization?

A. That's correct.

Q. Part of the high performance sprint center, and you wanted to be sure that they got first
25 dibbs as it were at the available services?

A. That's correct.

Q. All right. Then can you take us in to the 1988 indoor season. I believe that started, did it not, first of all in Canada in January?

5 A. Yes, that's correct, in Hamilton.

Q. All right. And I specifically left the 1988 competitive season out of the chronology that we went through on the first day of your evidence on Tuesday. So, I want to pick it up in regard to Ben Johnson in particular as to how he did during the '88 indoor season. And so could you just -- where was it, Hamilton, that we started in 1988?

10

A. Yes, in early January.

Q. All right. And what happened there?

15 A. He ran a 50 yard dash and set a new world record of 5.20 seconds.

Q. All right. And then the very next night I think he went out to Vancouver, did he?

A. Yes, he did.

20 Q. And ran the 60 meters?

A. Yes. And he won the race there clearly. It was a slow track and he ran 6.54, I believe.

Q. All right. And did he participate in the indoor games at Maple Leaf Gardens?

25 A. Yes, he did.

Q. And what did he run there?

A. He ran another world record of 50 yards in 5.15 seconds.

Q. All right. And then there are the
5 series or there are the races in Ottawa and Sherbrooke. I noticed this year they followed one night after the other. Is that typically the way they go or did they do that in 1988?

A. I believe there was a day in between.
10 But they were prior to Toronto, between Vancouver and Toronto.

Q. All right.

A. The first one was Ottawa where he ran
60 yards and ran 6.01, which is one one-hundredth off the
15 word record. And then he ran a 60 meter race in Sherbrooke, I believe it was 6.47 or 6.46, I am not sure.

Q. All right. And was Sherbrooke the
race where he --

A. He went flying over the end, yes.

Q. -- flipped over the end embankment?

A. Yes. In fact what it was, all the
indoor facilities are limited in size and expectation.
And as the athletes improve and improve and improve, they
begin to out run the facility.

25 In fact, Ben is simply too fast to stop in

such facilities. So, he went flying over the end of the banked track which is approximately eight feet in the air once you go to the railing to the ground, and went flying over the end of it but fortunately caught himself in some netting and managed to stop his fall and simply twisted his thumb.

Q. All right. So then that would have been the early indoor season in Canada. Did he then follow the usual pattern of going to the indoor meets in Europe?

A. Well, this was not a usual pattern. We had never been in -- there was only one occasion in fact when he had been in Europe previously which I believe was around -- the winter of '83.

Q. I am sorry.

A. But there was a series of meets arranged. He was to go to Madrid, then Sindelfingen in West Germany, Karlsruhe, another competition in Geneva and then one in I believe it was Den Haag.

Q. Now you only, in fact, as it turned out in fact participated in two of those races, am I right?

A. Yes.

Q. First of all Madrid.

A. Yes, he ran I believe 6.48 60 meters in Madrid. Then went to Sindelfingen, he ran 6.46 in the

heat jogging. So, there was no question he was ready to go far on to the world record. In the final, he pulled away to the huge margin and then suffered a hamstring pull approximately 40 meters into the race. He stopped and still crossed the line and still ran 6.50.

THE COMMISSIONER: I am sorry, what day, Mr. Armstrong?

BY MR. ARMSTRONG:

Q. Do you recall what date that is?

A. Middle of February.

THE COMMISSIONER: Middle of February of '88?

THE WITNESS: Yes.

BY MR. ARMSTRONG:

Q. All right. So, unfortunately then mid February 1988 in West Germany, he suffers this hamstring pull and you obviously had to take him out of the remaining scheduled indoor meets that he was going to attend in Europe that you have just described?

A. That's correct.

Q. What arrangements were then made in respect of his program from that point on?

A. Well, Waldemar was with us in Europe.

We kept him with us for a period of time in Europe because the other athletes were still competing and we kept him with Waldemar so that he could treat his leg intensively. He was getting three treatments per day to reduce the swelling, and make sure that no scar tissue would form.

Q. All right. And then at -- did he at some point decide to go to St. Kitts in that winter?

A. Well, after we returned to Toronto, he decided he wanted to go to St. Kitts. Now, Dr. Astaphan had gone over to Europe with Pavoni and so was not going to be in St. Kitts. So, that would mean he would be going there and Desai was going to go with him. Desai Williams is originally from St. Kitts. So, they were going there and just have a holiday.

THE COMMISSIONER: I am sorry, Astaphan was taking care of Pavoni?

THE WITNESS: So, he wasn't in St. Kitts.

THE COMMISSIONER: He was in Europe?

THE WITNESS: Yes. So I had considerable concern about sending him away prior to completing his rehabilitation. And I began to try and work on him a little bit about it. I wanted him to go with Waldemar, but I guess -- I believe Waldemar came on to him a little bit too strongly. He was suggesting this would be excellent, you know, we can have you working in the water

three times a day and so on and so on. And I don't think this appealed to Ben's idea of a vacation. And so I think Waldemar sort of talked himself out of a trip there. But Waldemar's discussion with him at that time and mine were he to follow up on this and if Waldemar worked him everyday, he would be 100 percent. If he did not follow him up, he might be 100 percent. And we didn't like the prospect of any possibility that scar tissue or adhesions would form around the injury.

I might explain that a muscle injury will heal very rapidly and the scar tissue actually becomes stronger than the surrounding tissue. And this will happen usually within 10 days. But the difficulty is that the area must be as mobile as the tissue around it or you will have extension injuries above and below the original injury site, above or below the injury site. And so we wanted this ongoing intensive physiotherapy to make sure that the injury healed, particularly as he had numerous committments to travel because of his contracts especially in Japan and Europe that would take him away quite often from Waldemar.

THE COMMISSIONER: Who suggested -- I have lost you a bit. He was going to go where? You were having a discussion, he was going to leave and go to St. Kitts?

THE WITNESS: Yes. To recover a bit from all the travel and so on.

THE COMMISSIONER: All right. But at that time, Dr. Astaphan was still on the circuit as it were with Pavoni.

THE WITNESS: Yes. He had gone to Europe.

BY MR. ARMSTRONG:

Q. As I understand what you have told us the suggestion was from you that if he was going to go to St. Kitts, he should go to St. Kitts with Waldemar and Waldemar would in effect look after him and treat this injury?

A. Yes, that's what I wanted.

Q. But Waldemar came on a little too strongly as to how much work they would do. And Ben didn't cotton on as it were to going down there with Waldemar and in effect carrying through with the training program when he was looking at it as probably a well deserved holiday. I am not intending --

A. He just wanted complete rest.

Q. Yes.

A. I guess, you know, Waldemar had problems with English and perhaps, you know, just came on too strong. I was cringing a bit when he mentioned all

the things that he wanted him to do. I thought it would have been better to simply get there and then try it out rather than telling him in advance. But also it's fair to say that Ben had not had a serious hamstring pull. He had
5 had minor strains before but nothing of this significance and so perhaps wasn't aware of the possibility of adhesions forming.

Q. All right. In any event, I take it that Ben's wishes governed and he didn't go to St. Kitts
10 with Waldemar, but he went to St. Kitts for his holiday?

A. Yes.

Q. With whom did he go?

A. He went with Desai Williams.

Q. And Desai Williams himself is a native
15 of St. Kitts having been born there?

A. Yes, his grandparents were still living there.

Q. So what, they went down there for a week or two to St. Kitts?

A. Yes, they did.

Q. As far as you know, Dr. Astaphan was
20 not there when they were there because he was in Europe with Pavoni?

A. Yes, he was not there.

Q. All right.

A. But I would say that I had asked Desai to keep an eye on him to make sure he was, you know, doing enough work on the muscle to loosen it up in the water and so on.

5 Q. All right.

A. He said he would.

Q. Did he?

A. Well, it obviously didn't work out to well as we found out later.

10 Q. All right. In any event then after this holiday, Ben Johnson and Desai Williams must have returned to Toronto, did they?

A. Yes.

15 Q. When they returned to Toronto, had you returned?

A. I was there the whole time.

Q. No, but you had been in Europe, I take it then you must have come home?

A. No, we all come back together.

20 Q. You all had come back together because Ben stayed with the group --

A. Yes.

Q. -- while he had received treatment from Waldemar?

25 A. Yes.

THE COMMISSIONER: I am sorry I thought you said he went to St. Kitts?

THE WITNESS: He did after we had returned from Europe.

5 THE COMMISSIONER: I see. You all came came home?

THE WITNESS: He didn't go there while we were still in Europe. Indeed he made an appearance. We went to the national indoor championships and although he
10 was injured, he made an appearance just to --

THE COMMISSIONER: That's when he came --

THE WITNESS: -- show the flag.

THE COMMISSIONER: On return here?

THE WITNESS: Yes.

15 BY MR. ARMSTRONG:

Q. Where were the national indoor championships in 1988?

20 A. In Windsor, that was on February the 20.

Q. Okay. So was it right after that then that he went to St. Kitts?

A. Yes, it was.

25 Q. All right. And then he -- how long was he in St. Kitts?

A. I believe he was there two weeks.

Q. All right. So he would have come back then from St. Kits about the first week in March. And when he came back, was he ready to start training again?

5

A. He was training. We weren't doing a lot of speed work. He was doing smooth running. He looked a little -- I should say easy running, but he looked a little ragged. He wasn't confident, wasn't getting full extension yet in his left leg.

10

Q. All right. Now, at this stage when he came back and started training, was there a steroid program that he undertook at that time?

A. Yes, there was.

Q. What did that involve, Mr. Francis?

15

A. That was a similar program, the idea being that six weeks but it was interrupted considerably by travel. So, he did not get the full six weeks.

20

Q. I take it when you say it was interrupted by travel, by this time Ben Johnson was an international track star and was presumably in demand from his various endorsement contracts and other obligations that required him to travel a fair amount?

25

A. Yes. It should be understood that the contracts and so on that he had become involved in had all been signed on in the fall or the early winter and were

now coming due and appearances were to be done Los Angeles and also twice in Toyko.

THE COMMISSIONER: Were these arranged through Mr. Heidebrecht, was he --

5 THE WITNESS: Yes.

THE COMMISSIONER: He was arranging those tours?

10 THE WITNESS: And there were enormous contract situations over there for him. He had one commercial was filmed, in fact that was run 10,000 times in Japan in a two-month period, and a very, very high profile and high demand for him.

MR. ARMSTRONG:

15 Q. All right. Now recognizing the fact that at that time steroid program was interrupted by travel, what was the design program in the period March-April of 1988?

20 A. It was the same plan, a six-week period. Three weeks three times a week, three weeks twice a week with one cc of the steroid in each injection.

Q. That again was what you have named initially as Estragol and also known as Furazabol?

A. That's correct.

25 Q. All right. Was there any, to your

knowledge, Winstrol taken during this period?

A. I don't believe so.

Q. All right. The Furazabol again I take it is always injectable, is it?

5 A. Yes.

Q. And who gave the injections?

A. I did.

Q. Where were they given?

A. At my apartment.

10 MR. ARMSTRONG: Could I just have your indulgence.

BY MR. ARMSTRONG:

Q. Then, Mr. Francis, the other of your
15 athletes that we talked about going on to a steroid program in the fall of '87 included Desai Williams, Mark McCoy, Molly Killingbeck, and Tracy Smith. Were they similarly involved in a steroid program in the March-April six-week period of 1988?

20 A. Yes. The entire group with the exception of Cheryl Thibedeau who had injured -- she had previously had foot surgery and they discovered -- her foot became more sore and they discovered that a bone chip had been missed in the previous surgery and had moved into
25 the joint space and would have to be removed surgically.

And apparently the surgery would have only taken two weeks to recover from but unfortunately she couldn't get anyone to operate. In fact, had to wait until two weeks prior to the national championships outdoors before she could get surgery. And so was completely out for the rest of the year.

Q. Desai Williams and Mark McCoy, was their designated program, as it were, the same as Johnson's, that is the one cc of Furazabol three times a week for three weeks, and one cc of Furazabol twice a week for the following three weeks?

A. Yes, that's correct.

Q. And in respect of the women, Molly Killingbeck and Tracy Smith and I am going to include here if I can Angella Issajenko because she was also included?

A. Yes. She had a slightly modified program.

Q. All right. Well, let's deal then with Killingbeck and Tracy Smith. What was the program in the spring of '88 for those two women?

A. It was the same system. One-eighth of a cc three times a week for the first three weeks and one-eighth twice a week for the next three.

Q. All right. Then in regard to Desai Williams and Mark McCoy, who gave them their injections?

A. I did.

Q. Where?

A. At my apartment. In actual fact then
it was only Tracy, because Desai Williams and Mark McCoy
5 had obtained from me their own bottle of both of the
Furazabol and the Inocine. And they were doing it at
their apartment.

Q. I see.

A. And also --

10 Q. And in so far as Williams and McCoy
are concerned, you weren't injecting them, they had their
own bottle and were looking after their own injections?

A. Yes, and also were doing Molly.

Q. All right. Okay.

15 A. That's my understanding.

Q. All right. And at that time Molly
Killingbeck and Desai Williams were still -- she was
still -- perhaps I should put it this way: Desai was
still Molly's boyfriend?

20 A. Yes, at that point.

Q. I was going to put it in the male
chauvinist way but, all right. Then in regard to Tracy
Smith, who was giving her the injections?

A. I was.

25 Q. And where was that?

A. Well, I was initially and later she went to Angella.

Q. All right. So initially she was getting the injections at your apartment?

5

A. Yes.

Q. From you?

A. Yes.

Q. All right. Then finally Angella, I assume -- well, first of all you explained that she was on a slightly different or modified program. To your knowledge what was her program?

10

15

20

25

A. She was doing Dianabol for a couple of weeks, first at 5 milligrams a day and then switching over to the injectable for the last --

THE COMMISSIONER: Where did she get that?
Was that still from the original batch?

THE WITNESS: She still had some, yes.

BY MR. ARMSTRONG:

Q. So she started out with the Dianabol,
that would have been in the pill form from the original --

A. Yes.

Q. -- stuff, because you mentioned at some point in time you switched over to a water-based Dianabol, which was done by injection?

A. Yes. We purchased two amounts of Dianabol originally, one in 1980, which was about 200 tablets, and later purchased 500 tablets in 1982. So there was a considerable --

THE COMMISSIONER: From whom?

THE WITNESS: From Bishop Dolegiewicz, so there was --

BY MR. ARMSTRONG:

Q. Still a considerable quantity of it
available?

A. Not a lot left at that point, but still enough for the tablets required.

THE COMMISSIONER: And the Furazabol from Dr. Astaphan?

5 THE WITNESS: Yes.

THE COMMISSIONER: That was your only source of Furazabol, was from Dr. Astaphan?

THE WITNESS: Yes, the original supply, which was obtained in the fall of 1986.

10

BY MR. ARMSTRONG.

Q. All right, now, in the period of winter-spring -- and again I may have it wrong, so please correct me if I do -- did you have a number of bottles of what you believed to be Furazabol in your apartment and move them out of your apartment?

15

A. Yes.

Q. Just tell us about that, please.

20

A. Well, different people had keys to my apartment because it had all of these various people, athletes and so on, living in the apartment, so I didn't feel it was a particularly good idea to have them there, so I asked Angella Issajenko if she would store the supplies at her house, which she did.

25

Q. Which?

A. She did.

Q. Yes, and what did you do? You --

A. Just kept a bottle --

Q. You kept a bottle --

A. -- of each.

Q. -- for the injections that you were
doing?

A. Yes, I kept a bottle of the inocine and
the B-12 mixture and a bottle of Furazabol.

Q. Sorry, I didn't hear that, you let your
voice drop. You kept a bottle of the --

A. Of the inocine and B-12 mixture and a
bottle of the Furazabol at the apartment.

Q. All right, and then you took the
balance of the bottles over to Angella Issajenko's so that
she would keep them at her house?

A. Yes, that's correct.

Q. Do you remember approximately how many
bottles you took over to her house?

A. I don't remember. The original amount
was 18 and then whatever was left over.

Q. All right.

THE COMMISSIONER: It was 18 and 18, was
it? There were 18 Furazabol?

THE WITNESS: And also the inocine. But

the inocine and B-12 is used up much more quickly because it is used throughout the year. The Furazabol is only used for a short period in the year and therefore doesn't get used up.

5

BY MR. ARMSTRONG:

10

Q. All right. Then that would represent the spring training period in March-April and the steroid program that was instituted at that time. When was the next time that Ben Johnson actually got back on the track and started into competition?

A. Well, I had a conversation with Larry, Larry Heidebrecht. I was very concerned about the situation. Of course --

15

THE COMMISSIONER: What date are we at now, please?

THE WITNESS: We're still, I would say, in early March.

20

We were still deciding what we should do about the situation with Ben because of the question of his coming back. We knew at that point that Desai Williams was going to be a contender, so all of our plans for competitions in Europe would involve both Ben and Desai, which would mean as soon as they stepped on the track, Ben would have to face Desai, potentially, in the

25

first competition.

Even if we tried to put Desai into the 200 meters or something to leave Ben in the 100, you would have two problems. One, that would be to Desai's
5 disadvantage, and the other was that that still left the door open for any of the Americans to show up in that competition. And we felt that there would be a likelihood for the Americans to try to jump on him in this preliminary competition, assuming that he might be weak.

10

BY MR. ARMSTRONG:

Q. Can I just stop you there? It somehow has gone right past me and probably everybody else has got it, but I don't understand what the problem was as between
15 Ben and Desai, the fact that Desai and Ben were going to be competitive with each other and the problem with putting Ben and Desai in a race together.

A. Well, we knew that wherever Desai went with Ben, that Desai would be tough.

20

Q. Yes?

A. So he would not have an easy race in any race in which Desai Williams was entered.

Q. I see. Can I just stop you there to see if I have it? You were concerned about Ben coming
25 back from this hamstring injury and having to exert

himself more than his injury might be able to tolerate?

A. Yes, without a good test run.

Q. I see.

5 A. And there was a race available in Japan where we were permitted to control the field, and so --

Q. How do you do that?

10 A. The object there, without insulting too many people, is to invite the people who appear to have a reasonable name but in fact are not expected to be very tough, which we did.

Q. Is that something that Heidebrecht was able to negotiate?

15 A. Yes, he ran the names past me. I figured, you know, the guys in the field would probably be hard pressed to go under 10.30 at that time of year and I wanted to make sure that the field would be as soft as we could reasonably get away with.

20 Q. And this would then ease Ben Johnson back into the competitive mode, as it were, without straining him to the point where it might aggravate his injury?

A. Yes, that was the idea.

THE COMMISSIONER: Was he still suffering from the hamstring at this stage or --

25 THE WITNESS: This was prior to us knowing

whether he would or not, but we didn't want to take a chance because of the importance of the season. I felt, well, if he had any problems there he should still win the race and remain undefeated. But if we saw that he was
5 having difficulty going much under 10.30 we would simply place him into the 200 meter runs in the next part of the European trip and protect him that way, because in fact since he's not ranked in the 200 it would not matter so much whether he won or lost, it would simply irritate all
10 the meet promoters. So I would be killed rather than him.

BY MR. ARMSTRONG:

Q. Well, now you've got a paid agent who would be killed; you would be all right.

15 A. Don't count on it. Anyway, so then he began to train again when he came back. He seemed to be training at a fairly high rate of speed, but did not appear to have full extension in the left hamstring at first. So of course we were getting as much work on him
20 as possible with Waldemar Matuszewski, but Waldemar was not happy having missed that period in St. Kitts, and of course it was more difficult because he had these trans-Atlantic flights. I believe he was once in Europe and twice in Japan --

25 THE COMMISSIONER: Who would travel with

him then, just his agent?

THE WITNESS: Larry.

THE COMMISSIONER: Larry Heidebrecht.

THE WITNESS: He would arrange for
5 physiotherapists at each stop, but they would never be as
qualified as Waldemar was because Waldemar was the best.
I don't believe there is anyone of his stature in the
world, especially with the intimate knowledge of Ben.

10 BY MR. ARMSTRONG:

Q. So he is back training, and how does he
look?

A. He's beginning to look better, but he
still did not have 100 per cent extension. You could see
15 that his stride was still a little rough.

Q. All right. And picking up from where
we were a few moments ago, you indicated the dilemma that
you were in in terms of getting him back into competition
in a way that wouldn't, if I can put it this way, stress
20 him too much. And was a race found that would get him
back into competition in that kind of way, in which the
competition that you described would be soft?

A. Yes, in Tokyo.

Q. That was the famous race of May 13,
25 1988?

A. Yes, Friday the 13th. Anyway, he was having difficulty warming up, it was a bit cool, and unfortunately he strained his hamstring again very shortly into the race.

5 Q. All right, and did he injure his hamstring in the same place that time as he had in West Germany in February?

A. Well, not exactly. As I sort of mentioned, once an injury has healed, the area that heals is in fact stronger than the surrounding tissue. But if there is any lack of mobility there, the area above and below it will be under strain. So this injury in fact was below the original injury site, in the same muscle, in the semitendonsis muscle in the left ham --

10 Q. I assume that it goes without saying that you and Waldemar must have thought, going into Tokyo, that he was fit to run the race or he wouldn't have run?

A. Yes, yes.

Q. All right. So that's May the 13th, Tokyo. He pulls up lame with a reinjured hamstring muscle, a bit below the site of the original injury. Where were you scheduled to go, Ben Johnson, you and the rest of the group, after Tokyo, had he not been injured?

20 A. Well, we were to go back to Toronto and then two days later were to go straight over to Malaga,

25

Spain, on the Costa del Sol.

Q. Yes?

5 A. We had arranged for a training camp that several of the meet directors had arranged to share and cover for us, and then were to compete in a series of competitions in Seville and Madrid.

10 Q. All right, and you might just take a moment to explain that without getting into all of the details, but I take it that the reason -- one of the reasons, at least -- you were able to arrange this training camp with a series of local competitions in Spain was the fact that now Johnson was the international star that he was, post-Rome, 1987. Am I right?

15 A. Well, yes and no. Certainly he was, you know, the major attraction in the world, but he was also being paid accordingly in each of the competitions.

Q. Yes?

20 A. But in a training camp sense, all of the athletes who would be there were at a level to certainly sustain their expenses in the training camp, plus the payment they were to receive at each competition. So in fact each athlete had enough stature that at least they could be sufficient with or without Ben.

25 THE COMMISSIONER: He didn't carry them all on his own reputation?

THE WITNESS: No, and the fact was that the athletes were able to compete and still receive their appearance fees as scheduled when he did not arrive.

5

BY MR. ARMSTRONG:

Q. And still carried whatever expenses were involved in training in Spain?

A. Yes.

10

Q. All right, and who else in the group, then, was scheduled to go to Spain?

15

A. There was Angella Issajenko, Molly Killingbeck, Charmaine Crooks, Marita Payne, Franz Gareau, Tracy Smith, and of course Cheryl Thibedeau was scheduled but was cancelled because of the foot injury. And in the men there was Ben, who, of course, did not go, there was Mark McCoy, Desai Williams, Anton Skerrett.

THE COMMISSIONER: What's the last name?

THE WITNESS: Anton Skerrett.

20

THE COMMISSIONER: That's a new name, I think.

THE WITNESS: Yes, he was a member of the Mazda Track Club. That's S-k-e-r-r-e-t-t. I might add he was in the club but he didn't train with me.

25

BY MR. ARMSTRONG:

Q. And Mr. Francis, approximately how long was this trip to Spain scheduled for?

A. Approximately two weeks.

5 Q. All right, and the trip to Spain was then to be followed by other engagements in Europe?

A. Yes. The schedule was originally Granada, but Granada cancelled out all the foreign entries. Then there was Seville, Madrid, Padova, Formia, Lausanne.

10 Q. Padova and Formia are in Italy?

A. Are in Italy, then Lausanne in Switzerland and Paris, France.

15 Q. And that schedule would have -- perhaps did, I guess, as it turned out -- would have kept you in Europe for how long?

A. Almost until the end of June.

20 Q. All right. So then let me take you back, then, to May 13th, when Ben Johnson pulled up lame with a new hamstring injury. You, at that point in time, are scheduled to come back to Toronto and then leave almost immediately to go on this European trip to Spain, Italy, Switzerland and France?

A. That's correct.

25 Q. Now, what was your initial plan as to what would be done to manage Ben Johnson and look after

him and get him back in shape? I guess this was the most important year of his life as a track athlete and perhaps the most important year of your life as his coach, and, indeed, the coach of the other Olympic athletes.

5 A. Well, after the injury and after Larry recovered from his heart attack, or whatever, we phoned all the meet promoters in Europe to explain what had happened and tell them that it was most unlikely that Ben would be running because there really wasn't that much
10 time and there was no way we could take another chance. We could not afford any other injury, so it was highly unlikely that he would run prior to the national championships on August 4th and 5th.

 So the meet directors were contacted,
15 understood the situation, but because of their sponsorship commitments and other things they asked us, "Please do not make any announcements about your plans until -- you know, just simply say that you will be evaluating the situation day by day and will make your decision at a later date."
20 Otherwise, the meets at the end of the circuit that would have been a month away could have had all their sponsors pulled out. So they were very concerned that any decision be announced on Ben prior to that.

 So we agreed to do so and again firmed up
25 all the arrangements for the other athletes, who would

still be competing.

At that time we believed that Ben would go at least to the Spanish portion and possibly straight over to Formia, and would be followed in good settings and so on.

Q. Can I just stop you there? Was the plan originally for Waldemar Matuszewski to go to Europe with your group of athletes on this trip?

A. Yes.

Q. All right.

A. Now, my feeling was that I didn't want any repetition of the problem we had in St. Kitts. I felt that had he stayed with Waldemar during that period or if Waldemar had gone with him to St. Kitts, he wouldn't have had this extension injury because he wouldn't have any adhesions in the original injury site.

Q. That would obviously be because Waldemar would be working on the muscle --

A. That's correct.

Q. -- and making sure that the adhesions didn't develop over the injury, is that it?

A. That's correct. We then arranged for a Japanese doctor, who is a leading orthopedic man, to look at Ben. He diagnosed it as a partial tear of the semitendonosis muscle.

12
THE COMMISSIONER: Was this in Japan?

THE WITNESS: In Japan.

THE COMMISSIONER: Partial tear of what?

THE WITNESS: Partial tear of the

5 semitendonosis muscle in the hamstring.

BY MR. ARMSTRONG:

Q. Yes?

A. He suggested that he should stay away
10 from any stairs, walking up stairs or anything, for at
least a week and no running for a period of ten days.

At that point we flew back to Toronto and
then had to make arrangements for Europe. Ben then came
to me and said he didn't want to go to Europe. Obviously
15 this created a very large headache for me. I couldn't
leave Waldemar behind with him and leave everybody else
out to dry, because after all, what about all the other
Olympic athletes? I couldn't, you know, so I was damned
if I did and damned if I didn't, so I was very insistent
20 that he go with us.

Additionally, from Japan I had phoned Dr.
Astaphan, explained the situation and told him that we
were very anxious that he be there as well, because we
wanted everyone brought to bear on the situation at once.

25 Q. That is, that he be there, that he be

in Spain and Europe --

A. Yes.

Q. -- when the group was there, so that Ben would have the benefit not only of Waldemar Matuszewski's assistance but the medical assistance of Dr. Astaphan?

A. And he said that was agreeable to him. However, you know, Ben would have to make some arrangement with him to take care of his salary or whatever during the time that he would have no practice. Obviously, if he went to Europe, he would no longer be practicing. So I assumed that would all be worked out.

I spoke to Larry about the possibilities. Larry mentioned an appearance in Helsinki, which was part of one of the deals. He could arrange in that way that they would get at least a free air ticket for Dr. Astaphan and in fact for some of the others, as well, because they could be routed via Helsinki and then fly down, possibly by private jet, from Helsinki to Malaga and then meet up with the rest of the group in one day.

During that phase Dr. Astaphan, Waldemar, Ben and Larry would go on that route and meet up with us in Malaga.

Q. All right. So that was the plan of attack, as it were, then, that Heidebrecht would arrange,

through a trip already arranged to Helsinki, to get Astaphan attached to the group with a free air ticket over there and then route it down by private plane from Helsinki to Spain, together with him and Ben?

5 A. Well, in fact they had commercial ticket routings from Helsinki to Spain, but they were hoping to get a private jet from the company involved.

 Q. And were any steps taken at that point to actually make some financial arrangements with Dr. Astaphan in order to pay him for the period of time that he was away from his office?

10

 A. Yes. The idea was that Larry would arrange that the company would put forward some of the money they were to pay Ben to pay Dr. Astaphan.

15 Q. When you say "the company", what company are you referring to?

 A. It was a milk company in Scandinavia.

 Q. All right. So he would arrange, in effect, to get a piece of Ben's endorsement money --

20 THE COMMISSIONER: Was this a commercial endorsement? I'm not quite clear what he was going to do in Sweden.

 THE WITNESS: Yes, a commercial endorsement. Finland, I'm sorry.

25 THE COMMISSIONER: Finland.

BY MR. ARMSTRONG:

5 Q. Well, just to cover that and clarify it, Ben Johnson had a contract with a milk company or dairy products company in Helsinki and he was going there to do what is known in the game as a commercial shoot, I take it, was it?

A. Yes, they were going to do still photos.

10 Q. All right, and Heidebrecht must have thought there was some way he could take a piece of whatever the payment was going to be to Ben Johnson for that and give it to Dr. Astaphan?

A. Yes, that's what he thought.

15 Q. All right. And were these --

A. These arrangements were made between Ben, Larry and Dr. Astaphan. I don't know all the details.

20 Q. I see. You weren't directly a part of those arrangements?

A. No, no, because they were all running around. We were trying to do everything at once, making all the arrangements for the tickets, getting all the tickets arranged and so on to go over to Europe, which obviously was quite a headache to get all the tickets out,

25

contact all of the athletes. I was doing that while Larry was making the arrangements for the other smaller group to meet up with us. In other words, I would go with the one group straight to Spain and the rest would go, and we would all meet up.

Q. All right. And so as far as you understood it, initially had Ben Johnson agreed with this plan of going with Astaphan and Heidebrecht to Helsinki, doing the shoot and then coming down to Spain to meet up with you?

A. When we were in Japan, yes, he had.

Q. All right, and he understood, I take it, that the object of going to Spain would be to be there and have the benefit, not only of Waldemar Matuszewski's assistance as a masseur, but have the benefit of Dr. Astaphan to give medical advice in respect of this injury?

A. Yes, and also that I could follow through on the usual rehabilitation exercises. I might point out that Gerard Mach had developed a series of hamstring injury rehabilitation steps that were really very successful for everyone who had used it. Of course, when Ben went to St. Kitts in the March period, we weren't able to carry out the proper rehabilitation sequence, and this was very disturbing, the prospect that this could be repeated.

Q. All right, let me just ask you this finally. I have one or two more questions just before the break, if I may, Mr. Commissioner.

5 From your experience in track and field and your experience in regard to hamstring injuries or injuries such as this hamstring injury, how important does it appear to be that whatever treatment is given is given early?

10 A. Extremely important. As you might understand, if you get a lot of swelling in any injury site, that will slow down the healing process, because after all, before you can get fresh nutrients and other healing materials into the cells you have to remove the exudates or injury-related compounds from the cells. So
15 the more quickly you can prevent additional swelling and remove the fatigue products, the faster the healing will be.

Traditionally, in a minor strain, you are usually looking at a period where, if you can get onto
20 this situation promptly, you can often have an athlete back in action in ten days. But in this particular case, as there was some partial tearing or what would be referred to as a third degree hamstring strain, it would take somewhat longer.

25 Q. In any event, I take it from what

you've told us in the last few minutes that your
assessment must have been that the treatment in respect of
Ben Johnson in February was unfortunately interrupted by
his having gone to St. Kitts, and he didn't get the
5 appropriate treatment in that early period that he might
have gotten?

A. Yes, that was my feeling.

Q. And you presumably, then, were
determined this time around to make sure that everything
10 was done and that he got the best treatment as early as
possible?

A. Absolutely.

MR. ARMSTRONG: Is this a convenient time?

THE COMMISSIONER: Proper time to adjourn?

15 Yes, 2:30.

--- Luncheon recess

20

25

---Resumed

THE COMMISSIONER: I don't want to appear to
be a witness in my own hearing but I've allowed this to
5 settle down. That's more what it will look like when you
got it?

THE WITNESS: Yes.

THE COMMISSIONER: It's clear on the top and
the white substance is on the bottom?

10 THE WITNESS: Yes, the still water rises to
the surface.

THE COMMISSIONER: Thank you. I took this
from 117-A. I've not tampered with it in the meantime.

MR. O'CONNOR: It looks like it's less.

15 THE COMMISSIONER: Mr. O'Connor, it's the
same quantity. I'm not experimenting.

MR. O'CONNOR: We'll be watching the
development of your physique very closely.

20 THE COMMISSIONER: Maybe it will help my
shoulder, for my tennis.

MR. ARMSTRONG:

Q. Well, now that you've taken over as
counsel, Ms. Chown and I will sit down and let you finish
25 the examination.

THE COMMISSIONER: We'll see how we get along the rest of the afternoon. All right. Mr. Armstrong?

5 MR. ARMSTRONG:

Q. Thank you, Mr. Commissioner. Just while we're still on the issue of the injectable Furazabol, one of the things that I had intended to ask you about the injectable drugs that I haven't asked you to
10 this point is, what did you do insofar as obtaining syringes was concerned? Did you have a supply of those that you obtained from some particular source?

A. Yes, Dr. Astaphan provided them in general. At other times Waldemar Matuszewski purchased
15 some and we also obtained them in Europe where necessary.

THE COMMISSIONER: What's the equipment, the syringe and a needle?

THE WITNESS: Yes, they come together and sometimes they have like a two-part system. Other times
20 they come as one part.

MR. ARMSTRONG:

Q. Then, Mr. Francis, going back to where we were before the luncheon break, that was the plan that
25 was developed immediately after Ben Johnson reinjured his

hamstring muscle in Tokyo on Friday, May the 13th, 1988.
You initially thought that he would come back with you to
Toronto, then go from Toronto to Helsinki with Larry
Heidebrecht and Dr. Astaphan where he would be under the
5 medical care of Dr. Astaphan.

You and the rest of the Mazda group would go
off to Spain where you had scheduled a training camp and a
number of meets and then Johnson and Dr. Astaphan and
Larry Heidebrecht would do the commercial shoot in
10 Helsinki and go down to Malaga where your training camp
was. Now, did Ben Johnson agree to that particular plan?

A. Well, initially he was agreeable in
Tokyo. However, on our return to Canada, he became very
reluctant to go over there. I think it should be
15 explained why he would feel that way. He was under
tremendous stress in travel and so on because of his
world-wide popularity and everywhere he went in Europe, he
was besieged and he was very concerned about both his
wellbeing and his ability to get any rest because of the
20 level of attention he could expect.

Just, for example, when he was injured in
Sindelfingen he continued on with the group.

Q. That's in West Germany?

A. In West Germany, this was in February.
25 He continued to travel with the rest of our group to get

physiotherapy from Waldemar and he became very concerned with the kinds of problems he ran into. He made appearance in Carlsru and during that appearance, the authorities running the track meet lost control of the crowd.

The crowd spilled over the barriers, primarily young kids and, in fact, knocked Ben to the ground and kicked him in his bad leg which was hardly helpful for his recovery.

And, further, at the next stop in Geneva, he was trapped in the washroom for over an hour by a very large mob outside and he couldn't get out and he had to wait for a police escort to take him out and so forth. He was very concerned that he could face this sort of difficulty once again going to Europe.

Q. All right.

A. I might mention it was -- in Tokyo it was the same situation. It was almost impossible to move and a very fatiguing situation.

Q. You indicated yesterday, when I asked you, that Ben Johnson was indeed, in many respects, certainly prior to August of 1987, more popular in Japan than he was in Canada. I take it that he was almost equally popular as an international figure in Europe?

A. Yes, I would say everywhere in the

world with the exception of the United States and Canada because of the stature of track and field in the rest of the world. He was, after all, voted the number one athlete in the world by all the news agencies last year.

5 Q. When, in 1987?

A. 1987, so there was no question his popularity was enormous in those other countries and he could expect an unbelievable amount of media attention.

10 Q. All right. I take it that irrespective of his understandable concern to avoid going on this tour to Europe, if he could, that it was still your judgment and the judgment of Waldemar Matuszewski and Dr. Astaphan that, given the circumstances, that you and Matuszewski had to be in Europe that the best course was still for him
15 to be in Europe where he could be under the care of Waldemar Matuszewski and under your supervision as a coach?

A. Yes, that was certainly what we had hoped to accomplish. But, obviously, it would be a
20 question of the lesser of two evils. It would obviously be stressful for Ben because of the level of attention that he would have to undergo during that period, especially since the press would be all over him asking, you know, how are you, this type of thing, on a continuing
25 basis.

Actually, perhaps some of our findings in that direction were underfounded because when, indeed, he did go to Europe, the media was not concerned about his injury. I guess because, over there, they were more familiar with muscle injuries and couldn't see how an injury in May would be of any particular concern by the time the Olympics came up.

Q. Well, you said that initially in Tokyo, I believe, he was agreeable to this plan but you then went on to say that he had some reluctance which you've explained. What did his position turn out to be?

A. Well, he told me at the time that he absolutely did not want to go and I had a very strong conversation with him and I felt very concerned about this. We said, Ben, last time you went to St. Kitts you did it your way and it didn't work out and we simply can't afford to make another mistake. You know, I believe you simply must come. And he was quite adamant he did not want to go.

Q. And was this conversation you had in Toronto after your return from Tokyo prior to your leaving for Spain?

A. Yes, we had two conversations on the subject. The first conversation at Ross Earl's house in the evening, he was not happy about it but he didn't seem

to object so strenuously.

5 The next day he became under another load of
extraordinary pressure. An article came out attacking him
stating that he had something like seven or nine cars and
was spending money all over the place and it appeared that
every car he had ever seen in a showroom was now his and
he was under a great deal of pressure on that front and
there was meetings going on and he was distraught, to say
the least, with the kind of pressure that was being
10 brought to bear against him.

Q. And so, the second meeting was the
following day then after the meeting, the day before, at
Ross Earl's house?

A. Yes.

15 Q. And ---

THE COMMISSIONER: What date are we at now,
approximately?

MR. ARMSTRONG:

20 Q. Approximately what date?

A. I guess this would have been the 15th,
the 16th, perhaps. I'm not absolutely clear.

Q. Well, let's take it back to Tokyo. May
13th was the race in Tokyo and did you leave Tokyo right
25 after the ---

THE COMMISSIONER: Are we in May or June.

THE WITNESS: In May.

MR. ARMSTRONG:

5 Q. No, we're in May. We're in May. So
you flew back from Tokyo when, the 14th or 15th?

A. I believe we came back on the 15th or
the 16th.

Q. All right.

10 A. And he -- remember you gain a day
crossing the date line and so on. So you come back the
same day after you left and so on. Then we had basically
a day and a half in Toronto and then were to go to Europe.

15 So, in the meantime, Larry was left to make
the various logistical arrangements and I guess it wasn't
clear but Waldemar was also to go with Ben to Helsinki and
then meet everyone else. So at all times he would have
the doctor and the physio with him, during this period.

20 THE COMMISSIONER: Was the doctor to go as
well, Dr. Astaphan?

THE WITNESS: Yes, he would meet them from
St. Kitts in Helsinki and the others would go straight
from Toronto.

25

MR. ARMSTRONG:

Q. I'm sorry. I missed this earlier then. Waldemar was supposed to go to Helsinki as well?

5 A. Yes, he would go with Larry and Ben straight to -- via London to Helsinki and ---

THE COMMISSIONER: With Dr. Astaphan.

THE WITNESS: Dr. Astaphan would go from St. Kitts to Helsinki. I don't know what route they had arranged information him.

10

MR. ARMSTRONG:

Q. So, in any event, although I suppose the precise date does not matter here nor there, but let's see if we can get it more or less correct. If you're back in the Toronto the 15th or 16th, presumably the meetings that you had with Ben Johnson would have been in the area of 16, 17?

15

A. Yes, I believe so.

20

Q. Somewhere in there. We've discovered the meeting at Ross Earl's house where he seemed to agree reluctantly to go. Then the next day, or thereabouts, you indicated that there was some added pressures because of some publicity related to the number of cars he had and he was somewhat distraught.

25

Did that change his mind about whether or

not he was prepared to go ahead with this plan to go to Europe, Helsinki, Malaga, Spain?

5 A. He was very reluctant at that point because he felt if he was getting this kind of pressure, media attention and so on at this point, what could he expect in Europe? And he was in a very depressed state of mind at that point and I was still trying to be adamant that he must go because I just couldn't see what else we could do.

10 But at the same time, I understood -- I was just was caught between a rock and a hard place, what to do, you know, to get the best possible rehabilitation for him. I felt we simply had to go and in attempt to handle the situation, somehow keep the media away from him.

15 Q. All right?

 A. So he could get on with his recovery.

 Q. Well you then, we know, went to Spain.

At the time you left for Spain, what did you believe the arrangement to be?

20 A. Well, after I spoke to him, Larry spoke to him once against. They had a meeting with the Canadian Track and Field Association to discuss all these financial allegations and so on that seem to be going around and make sure everything was as it should be. And he -- Larry
25 and he had a discussion once again and he told Larry, yes,

he would go.

Q. All right.

A. So I left under the impression that they would be joining us in Malaga, all of them.

5 Q. All right.

A. You know, once -- the day after I would arrive.

Q. All right. So you then presumably went with the other Mazda team members to Spain?

10 A. Yes. That evening we flew via London to Malaga.

Q. And presumably within a short period of time, presumably two or three days, you were expecting Ben Johnson, Dr. Astaphan, Larry Heidebrecht and Waldemar Matuszewski to arrive in Malaga?

15

A. Yes.

Q. What happened. Who did -- did they arrive?

A. No, they did not. About midnight -- we arrived around noon of that next day and we usually fly all night and arrive the next day. We arrived at about noon in Malaga. At midnight that same day, Waldemar arrived and told me that he had -- that he and Larry had waited at the airport for Ben but he had never arrived and so it appeared he had cancelled out but he didn't tell

25

anybody. So they didn't know what quite to do.

Larry went back to try and find out what to do next. Of course, he had to phone the company and tell them that they'd have to cancel the photo shoot, they had to contact Ben and find out what happened. He felt there was no point in holding Waldemar, you know, for an unknown period of time and sent him to change his flight in London, they rearranged his ticket to go to London to Malaga and he got there about midnight of the next day.

They initially were going to fly to Europe, the same evening we were but on a two hour later flight.

Q. I understand. So then when Waldemar arrived you found out, of course as you've just indicated, that Ben hadn't come. What did you understand had happened? Did you have any information other than just he hadn't shown up at airport?

A. No, I didn't know what had happened.

Q. When was the next word then you had of Ben Johnson and what had happened to him.

THE COMMISSIONER: What happened to Dr. Astaphan? He was supposed to join you in Europe, too?

THE WITNESS: Dr. Astaphan didn't leave St. Kitts. I assume that his flight was to leave later and he was, I assume, contacted by either Ben or Larry and told of the situation.

MR. ARMSTRONG:

Q. In any event, Dr. Astaphan did not arrive in Spain?

A. No.

5

Q. All right. What was the next occurrence, if I can put it in the dull legal terms in this story?

10

A. Well, Larry phoned me the next morning and explained that he hadn't been able to contact Ben and was still attempting to make arrangements for him to come over to Europe and he was now not sure in what way he should go.

15

He told the people in Helsinki that they had to cancel the photo shoot. They simply couldn't arrange the logistics to make the shoot whenever he would show up and since they didn't know when he would come, they simply cancelled it for the time being and would have to rearrange it at a later date.

20

That meant, of course, that they would have to set up a separate plan both for Dr. Astaphan and for Ben. So Larry, once again, attempted to arrange tickets for, I believe it was three days later, to fly Ben from Toronto and Dr. Astaphan from St. Kitts into Malaga.

Q. So, this is really plan number two then?

25

A. Yes.

Q. You're going to avoid the Helsinki leg and Heidebrecht and Astaphan and Johnson are going to go directly to Malaga?

A. Yes.

5 Q. And carry through with the plan of treatment by Matuszewski and Astaphan and the coaching supervision of you?

A. And the exercises that I would give him.

10 Q. All right.

A. So, that was my understanding. I arranged for a car and went to the airport to meet them at the pre-arranged time but nobody arrived.

Q. What happened next?

15 A. Next I went back, I talked to Waldemar. Larry by then was back in Virginia, where he lives. Waldemar and I contacted Dr. Astaphan. He said that Ben had contacted him and said that he would want to come to St. Kitts and not over to Europe. Waldemar had a
20 discussion with Dr. Astaphan about the nature of his injury and so on without going into too much detail.

At that point there appeared to be a lack of communication between Dr. Astaphan and Waldemar as to what treatment might pursue.

25 Waldemar's English perhaps is not the best

and it's easier when he's describing things with his hands
and you can see them than when, in fact, you're talking
over the phone long distance. He was mentioning treatment
he wanted to do in the muscle with the sort of a lateral
5 stretch which would prevent adhesions.

In other words, working across the grain of
the muscle fibres but certainly not stretching the muscle
lengthwise.

Dr. Astaphan obviously was somewhat
10 apprehensive about this phone call, although he didn't say
anything at that point. Because, of course, it would be
contraindicated to stretch it lengthwise.

Q. Why is that? Would that ---

A. It might tear ---

15 Q. ---exacerbate the injuries?

A. Yes, it might tear it again.

Obviously, there was a lack of communication at that
point. Within about two days, we got a telex from Dr.
Astaphan arriving in Malaga at the hotel and in the telex
20 he said Ben had arrived in St. Kitts that day, that he had
partial tear of the semitendonosis muscle, the same
diagnosis we had heard in Japan. He said, "Muscle must
not be stretched," which was in capital letters in the
telex. Obviously concerned about what treatment was being
25 recommended and then said, "Ben wishes to stay here. I

will treat him for the time being," and it was left at that.

Q. All right. Well, can I just take you back to the phone call you had a couple of days before,
5 before you heard from Astaphan that Johnson was there. He told you that he had talked to Ben and Ben wanted to go to St. Kitts. What was your view at that time of that suggestion?

A. Well, I wasn't sure what to make of it
10 not so much because I was concerned about the diagnosis that Dr. Astaphan made because obviously it was the same diagnosis we had from a leading expert in Japan.

But, I was concerned in terms of who might provide the correct physiotherapy in terms of the massage
15 and other treatments that could be done, not only to work on the actual injury site but all the other muscles groups during this training phase, because certainly because one muscle is injured does not mean that you have to cease your training in all other muscles groups. And, I was
20 concerned who would prescribe the actual exercises that would be done.

We talked to Dr. Astaphan on the phone, he went through an exercises ---

THE COMMISSIONER: From where, from Malaga?

THE WITNESS: From Malaga to St. Kitts. He

25

said that he believed Ben had exacerbated ---

MR. ARMSTRONG:

5 Q. I'm sorry. Can I stop you there? Is this discussion with Dr. Astaphan on the phone, is this the first phone call in which he's told you that Ben wants to go to St. Kitts or is this a second phone call after Ben is already there.

A. No, he's already there.

10 Q. He's already there?

A. Mm-hmm.

Q. So, again, without attempting to be too precise, what is the time period here? About what date are we talking about?

15 A. I believe another two days or so. After the flight that didn't arrive.

Q. All right. So, what we're up 19, 20 May, in that area?

A. I think we're around the 22nd or 23rd.

20 Q. All right. Sorry to interrupt but I just wanted to bracket the time?

A. I know. It's very confusing. It was very confusing for me as well. I talked to Dr. Astaphan at some length and ---

25 THE COMMISSIONER: Waldemar was with you?

THE WITNESS: Yes, he was. And also
Waldemar spoke to him at some length about treatment and
so forth. He advised me that he was going to take Ben
into the water to do certain exercises, moving forward
5 through the water, bringing the leg against very mild
resistance downwards and backwards against resistance in
the water where he would be raising his heel.

So, in other words, he would be working both
functions of the hamstring, both as an extensor in the
10 forward actions and flexor in the backward actions.

This sounded like a reasonable course of
action and he mentioned that he would also work on other
exercises for his abdominals in weightlifting and so
forth.

15 It was quite obvious by then that Ben did
not intend to come at this time. However, there were
other considerations because he had a contract appearance
to do with Diadora in Padova.

I contacted Larry once again in Virginia and
20 he stated that he would attempt to make arrangements and
convince Ben to come to Padova for this appearance, which
ultimately he did.

Q. The appearance in Padova was that part
of the original scheduled arrangement when you were going
25 to be for a couple of weeks at the training camp and meets

in Spain and then move on to Italy?

A. Mm-hmm.

Q. Was Johnson originally scheduled to be plugged into a Diadora contract appearance in Italy at that time?

A. Well, yes, because the idea was he would make this appearance in conjunction with a competition that was being held in Padova and Padova is not too far from the headquarters of Diadora in northern Italy.

Q. All right.

A. So, he would have originally gone to the series of competitions in Seville, Madrid and then Padova as well as the training camp. So we followed the original pattern and I believe it was June 13th -- well, June 10th that we arrived in Padova. The competition was on the 13th.

Q. Just before we go on to that, let me again back you up to this period of time after you got back from Tokyo then went to Spain from Toronto. After you had had the meeting in Toronto at Ross Earl's house and then the meeting the next day in Toronto with Ben Johnson.

THE COMMISSIONER: Where did Ross Earl fit into the Johnson entourage at that stage?

THE WITNESS: Well, he was the head of the Scarborough Optomist Club. He also helped Ben with financial matters and so on. And this article had come out and he was over at Ross' house to describe, you know, to discuss what they were going to do and to, you know, in an emergency meeting that was going to be held with Canadian Track and Field Association people.

MR. ARMSTRONG:

Q. I take it that Ross Earl had remained close to Ben Johnson, as you had, from the earliest time that he joined the Scarborough Optomist Track and Field Club back in 1977?

A. Yes, that's correct.

Q. And I think you told us the first day that he became a kind of advisor to Ben, particularly in relation to financial matters?

A. He was trying to help, yes.

Q. And indeed, he actually looked after some of his financial matters in conjunction with the Canadian Track and Field Association?

A. Yes, that's correct.

Q. And Ross Earl, apart from being president of the Scarborough Optomist organization, his full-time occupation is as a school teacher, is that not

so?

A. Yes, that's correct.

Q. All right. So, I was -- I just wanted to know after the conversation or meeting with Johnson and Earl, and after the conversation between you and Ben Johnson the next day in Toronto, did you ever talk to Ben again prior to his arriving in St. Kitts with Dr. Astaphan?

A. No, I didn't. The only communications I had were with Dr. Astaphan.

Q. Is there any reason, Mr. Francis, why you wouldn't have picked up the phone when Ben didn't arrive, according to the original plan, from Helsinki and call him at home and say, 'Ben, where are you'?

A. Well, it wasn't very easy to make all these calls in and out of Europe. I was trying to get to the people involved and certainly I expected that Dr. Astaphan and Larry would attempt to make the arrangements and indeed Larry made arrangements on several occasions which, in fact, didn't materialize.

Q. So, to put it in its simplest terms you had your own responsibilities in respect of what you were doing in Europe with all your other athletes and you had Larry Heidebrecht who was Johnson's agent who you believed to be looking after these various arrangements?

A. Well, I would hoping that he would get him there and certainly Larry was hopeful that he would be there shortly. So, on each occasion I kept hoping he would be there.

5 Q. Okay. Then based upon this telephone call which you did have with Dr. Astaphan as to what his plan was, that is the kind of exercises that he was going to give him in the water, moving forward against mild resistance and backwards against mild resistance, giving
10 some form of exercising to this hamstring muscle, did you feel comfortable and confident that whatever it was that Dr. Astaphan was going to do was an acceptable approach at that time?

A. Well, the approach sounded acceptable
15 but my concern was how much -- how the work would be quantified. In other words, how much work would he do and would he indeed work hard enough on the other muscle groups.

THE COMMISSIONER: Well may I ask you that,
20 I was wondering, having the doctor diagnose the injury?

THE WITNESS: Yes.

THE COMMISSIONER: And sort of agrees on the course of treatment and then would the trainer would be the one that carries that out normally? If Dr. Astaphan a
25 track -- is he a trainer or coach?

THE WITNESS: He would familiar with using the various apparatus, ultrasound, muscle stimulating equipment, diathermy and so on.

5 THE COMMISSIONER: But to prescribe the degree of work that you think is appropriate. Would Dr. Astaphan, would that be his expertise or is that some of the coach's expertise?

10 THE WITNESS: Generally, it would be the coach's. And, more particularly, it would be the coach who was familiar with him because it's not enough to simply give a prescription of activities and I couldn't do it over the phone either, simply because I didn't know the level of fatigue that the muscle might withstand and the general level of fatigue he would have through the other
15 activities. So I still had some considerable misgivings about him.

THE COMMISSIONER: Was there a masseur available in St. Kitts?

20 THE WITNESS: Not to my knowledge, no. Unless he were doing it himself but obviously he did much of this work himself.

THE COMMISSIONER: I see.

MR. ARMSTRONG:

25 Q. All right. Then, when you discussed

10

this plan over the phone with Dr. Astaphan, what was your understanding of how long Ben Johnson would stay in St. Kitts and be treated in this fashion by Dr. Astaphan?

5 A. Well, I believe that we were going to try and get him to come over by the time the Seville competition came up, initially, which was, I believe, the 28th of May.

 Q. So, probably a week or a less than a week later?

10 A. Less than a week later. But that didn't materialize either.

 Q. Well, can I just ask you this -- it didn't materialize. I take it, was there again another arrangement made, so far as you recollect, by Larry Heidebrecht to get Dr. Astaphan and Ben Johnson over to Seville?

 A. Yes, I believe so.

 Q. And he didn't show up?

 A. No.

20 Q. What happened next then when he didn't appear in Seville?

 A. I was becoming very concerned because time was moving on and I wasn't sure whether or not he was carrying out the right level of exercise.

25 Additionally, it was clear from the phone

71
calls that Dr. Astaphan was working on other muscle groups and so on in terms of massage but was being careful to avoid the actual injury site as he was afraid of bruising it.

5 It was my feeling that Waldemar could have been helpful because he could have actually worked on the injury site without risk. Dr. Astaphan was concerned about bruising and so on and didn't wish to touch it himself.

10 Q. So, was there yet another effort by you or others to get him over to Europe and under the, at least, the care so far as it relates to massaging of Waldemar ---

15 THE COMMISSIONER: Will you speak up. I'm having a little trouble hearing you. Speak up a bit, please? It's not coming through.

MR. ARMSTRONG:

20 Q. Was there then yet another effort to get Ben Johnson to come over to Europe with Astaphan so that he would have the benefit of Waldemar Matuszewski's expertise in massaging?

A. When I spoke to Larry on the next occasion I suggested he try to get him to Madrid.

25 Q. Yes?

A. Which was our next stop on the road or as a fall back position at least to get him to Padova. And, at the very minimum, I could assess how he was in Padova. And that is, in fact, what occurred.

5 Q. Obviously, he didn't arrive in Madrid but he arrived in Padova?

A. Yes.

THE COMMISSIONER: How long had he been in St. Kitts at that time?

10 THE WITNESS: Well, he had been there for two and a half weeks, I believe, and that was almost a month after the injury. In fact, the Padova meet took place on June the 13th which was one month after his injury.

15 MR. ARMSTRONG:

Q. So, did he arrive in Padova, Italy, with Dr. Astaphan?

A. Yes, they did. In fact, they arrived one day earlier than we did, as the flights turned out.

20 Q. And you mentioned earlier that there was a scheduled track meet in Padova?

A. Yes, on the 13th.

Q. And Ben Johnson was scheduled at least to make an appearance on behalf -- make appearance on

25

behalf of Diadora or just to make appearance at Diadora?

A. Diadora; part of the shoot contract.

Q. When on that occasion, did you first see Ben Johnson at Padova?

5 A. I believe it was on the 11th, when we arrived. He had arrived the evening before.

Q. When was the meet?

A. On the 13th.

Q. Sorry. And when you arrived and you
10 saw him on the 11th, was there any discussion between Ben and you?

A. No, he was very cool towards me and I wasn't exactly too warm towards him either. There was obviously a barrier, you know. I was upset because he
15 hadn't come on the previous occasions and he was upset because I hadn't been phoning him directly and keeping in contact. So there was very poor communications between us. Obviously it created a great deal of difficulty for us.

20

25

Q. Apparently for whatever reason, he thought that during the three weeks or so that you had been in Europe and he had been in Toronto and then St. Kitts, that you had been somehow ignoring him?

5 A. Yes, I believe so but in fact I had attempted to get him over on numerous occasions, but I didn't even have, you know, I wasn't sure where I should be contacting him or where indeed he was staying.

10 Q. All right. Then did he make the appearance at the track meet in Padova?

A. Yes, he did, but I might go back --

Q. Sorry.

15 A. -- to two days before that. There was a primary appearance where there was a press conference to discuss the injury and so on with the world media who assembled there. And in fact it did not turn out to be the press conference we had expected at all. There wasn't a single question about his injury. Nobody seemed to be concerned about it all. They were all simply asking how much money does the guy make and so on. That was about
20 it.

Q. All right.

A. Which surprised us.

25 Q. And then he -- you told me he showed up at the track meet. Let me ask you this, was one of the

expected obligations of Ben Johnson under his Diadora to wear the Diadora label or logo on his clothing?

A. Yes, it was.

Q. And at least your understanding of his arrangement, did you expect that he would be showing up at the track meet with his Diadora clothing on?

A. Yes, well there was confusion because he would not be running but of course it was still at a track meet. So, there was confusion as to his obligations but it was my understanding he was to wear the Diadora track suit and so forth.

Q. And indeed I don't know whether it was by this stage or not, but certainly at some stage there was an arrangement with Diadora that Ben Johnson was going to endorse a line of Ben Johnson clothing manufactured by Diadora and indeed some Diadora track shoes with the Ben Johnson name attached to them, am I right, or running shoes?

A. Yes, that's correct. In fact a great number of photographs were taken. He was photographed for four or five hours the day before the track meet in various attire, you know, taking modelling shots and so forth.

THE COMMISSIONER: In Padova?

THE WITNESS: Padova, yes.

BY MR. ARMSTRONG:

Q. So when he showed up at the track meet, did he show up wearing the Diadora logo on his clothing?

A. No, he did not.

5

Q. What was he wearing?

A. He was wearing street clothes.

Q. All right. And did you have some comment to make to him about that?

10

A. Yes, when we returned to the hotel, we had a meeting and I finally cornered him in his room and had a discussion about it and went through a lot of things and suggested --

15

Q. Why don't you just take your time and just tell us about that discussion. I didn't intend necessarily just to focus it on Diadora. I don't want to be accused here of doing a commercial for Diadora just give us the whole -- the whole conversation, if you will then, please,

20

A. Well, basically at the room I wanted to find out what exactly was the status between us because he hadn't really spoken to me since he had been there and I had not really spoken to him. So, there seemed to be this big wall that had arisen between us. And so I asked him what was the problem and so on. And he he said, look you didn't even call me all the time I was in St. Kitts,

25

and I said, well, I was too busy trying to make arrangements for you to come over here. And that's what I expected, you know, you said you would come and that's what I expected. And so this went back and forth for some period of time he was in quite an agitated and upset state. And, you know, I said, well, I don't know how we are going to work together if in fact, you know, you won't listen to me. And he seemed to say well, you know, he was quite angry.

5

10

And so any way it was just sort of left at that point. And I asked him -- also I didn't know what Dr. Astaphan's position was on all this. And I said what's Jamie's position on all this. And he said, well, he's got nothing to do with it, anything that's going on is between you and me. And so it was left at that.

15

It did not appear at that time that we were going to be able to work together. I just didn't know what I could do. I had a discussion with him about the Diadora contract. I said look, you know, you are supposed to wear the equipment and you came to the place and you had street clothes on. I mean obviously they are not too happy about that and, you know, they are paying you a lot of money and so on. There was quite a discussion back and forth about that.

20

25

THE COMMISSIONER: Did you have a

commercial interest in the Diadora contract yourself.

THE WITNESS: No, but he certainly did and it was a very excellent contract, certainly the biggest of all time. I didn't want him to be at risk because the
5 problem was if he was out for a long period of time they might have the option of -- I didn't know what the -- what the wording was in the contract whether indeed there would be a possibility of them cancelling if he were injured in fact for the whole year. And I also wasn't sure what his
10 insurance position was indeed, you know, for missing races and so on.

BY MR. ARMSTRONG:

Q. Do you, by the way, do you know when he
15 had signed the Diadora contract or when Larry Heidebrecht had negotiated the contract?

A. I believe it was signed in February when we were in Europe.

Q. Almost, as I understand it, a day
20 before or so he was -- or shortly before he was injured in Germany?

A. No, after.

Q. After he was injured in Germany?

A. Yes.

Q. I see. And so he signed the contract
25

then and up to that point in time he had only run in Toyko, but hadn't been able to finish unfortunately because he was injured?

A. Yes.

5

Q. In Toyko?

A. So there was some concern that, you know, he maintain his, you know, good connections with his sponsors to be sure that everything would work out.

10

I think the problem really was he was so distraught over the sequence of injuries. I believe he was mad at me for the, you know, the -- he blamed me to some degree for (a) not keeping in touch with him and (b) attempting to pressure him to come to Europe. He was angry with Waldemar because he felt perhaps he should have felt something in his muscles prior to going to Toyko and warned him not to run. So, there was bad feeling in that respect.

15

20

I might point out though also at that time I ceased to be concerned about his fitness because in fact Dr. Astaphan had done an excellent job with him. And he was in tremendous shape. When we took him to a weight room, he went through the weight program that he had been doing with Dr. Astaphan, and he was in tremendous physical condition.

25

Q. How did his -- how was his hamstring,

do you know?

A. His hamstring was not 100 percent flexible but appeared to have healed. Waldemar examined him and found no adhesions and no scarring on the muscle itself. And his ability to do exercises was tremendous. He did in that one weight session we saw, he did 10 repetitions with 352 pounds on the bench press straight which is an astounding lifting routine for a guy who weighs 173 pounds.

THE COMMISSIONER: Did you discuss the regime he was under in St. Kitts, what he was doing or?

THE WITNESS: The exercises, but we did not discuss steroids or anything at that point because that was really up to the doctor.

Also since there was a injury, the steroid protocol might be different and I wouldn't be in any position to comment on what should be done or should not be done.

BY MR. ARMSTRONG:

Q. So, then, Mr. Francis, taking you back to the meeting that you had in his hotel room in Padova, you said it just appeared that the two of you weren't going to be able to work together any more. Just to summarize it appears that he was upset with you because of

what appeared to be your failure on his part to get in touch with him; you were upset with him because he didn't follow your instructions as a coach. You are further upset with him obviously at that point in time because he didn't appear to be honouring, in your eyes, the Diadora contract.

But recognizing that those are all sources of disagreement between you and Ben Johnson, what was it that was said between you so far as whether or not you would be working together in the future particularly leading up to the Olympic Games as coach and athlete?

A. Basically the gist of the conversation was that he didn't want to work with me any more. And I said, well, the only thing I can suggest to you is to come back a year from today if this is the decision you make tell me you have made the right decision.

Q. All right. And so that's how it was left. In your eyes take it, you and Ben Johnson had parted ways?

A. That's the way I felt. I was, of course, you know, you are so ambivalent about the whole thing. I mean here is the greatest athlete you have ever known and somebody you have known for so many years and at the same time, you know, I wasn't thinking 100 percent straight because after all, he had good reason to be upset

about a lot of things. And I could only see my perspective. And so I think you know it took me a week or two to really begin to look at things realistically and I think the same thing was true for Ben.

5 Q. In any event after this meeting that you had in the hotel room in Padova, did he leave from Italy shortly after that?

A. Yes. They returned to St. Kitts, Dr. Astaphan and Ben.

10 Q. When --

THE COMMISSIONER: Sorry, did Dr. Astaphan come over with him?

THE WITNESS: Yes, he did

15 THE COMMISSIONER: I didn't know that. Did you talk to Dr. Astaphan too at that time that?

20 THE WITNESS: Yes, I went through the training regime, what they were doing there, all the exercises and so on. It sounded like he was in excellent shape and the fitness level displayed with his abdominal strength --

THE COMMISSIONER: Did you discuss with Dr. Astaphan the future of Ben qua himself and qua you?

25 THE WITNESS: Not really no, I didn't know what his position was. I was trying to find out, you know, how he didn't really say anything particularly one

way or the other and to me. And I didn't know what his position might be. So I wanted to hear how Ben felt and then just left it at that.

5 THE COMMISSIONER: Then you say both of them left for St. Kitts again.

THE WITNESS: Yes, they did.

BY MR. ARMSTRONG:

10 Q. How shortly after that meeting you had in the hotel room had Johnson and Dr. Astaphan left?

A. One day.

Q. All right.

A. Really the next morning.

15 Q. I take it at that point in the story then there was no indication so far as you could see it that there might be some plan for Dr. Astaphan to actually move in and take over the management or coaching responsibilities for Ben Johnson. You just assumed that he was still his medical advisor and no more than that?

20 A. I could only go by the statement Ben gave me which was that the problem was between us.

Q. All right.

A. So, you know, it simply was a matter for Ben and I to work out.

25 Q. What did you think at the time of the

meeting which ended with you and Ben Johnson deciding to
part company at least at that point as to what was going
to happen so far as Ben's coaching was concerned. I mean
who was going to take him through the nationals to the
Olympic?

A. I simply didn't know. I was obviously
very upset and very concerned about the situation but I
simply didn't know what the next step should be.

THE COMMISSIONER: Mr. Armstrong, we have
to take a short break, I have a couple of urgent calls I
must make. We will take 10 minutes.

MR. ARMSTRONG: All right, thank you.

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr.

Commissioner.

BY MR. ARMSTRONG:

Q. Mr. Francis, Ben Johnson and Dr.

Astaphan left Padova, headed back to St. Kitts. Indeed I
think the evidence will show later that perhaps Dr.

Astaphan went straight back to St. Kitts. Ben Johnson

went back through London to a family wedding and then to St. Kitts??

A. Yes, his cousin Patrick got married, and the family was there. And then he went to St. Kitts. That's my understanding.

Q. Then presumably you carried on with the original plan that was to move from Padova to wherever the next meet was in Italy?

A. To Formia.

Q. To Formia. All right. When you were in Formia, did you have occasion to have some conversation with Gerhard -- I don't know what's happening there.

THE COMMISSIONER: I don't know.

MR. ARMSTRONG: Is that because I have got these two microphones now. I guess this one gets turned off, does it.

THE COMMISSIONER: Well, just speak loudly without mics so I can hear you.

MR. ARMSTRONG: All right.

BY MR. ARMSTRONG:

Q. Then Mr. Francis, did you have occasion while in Formia to have a discussion with Gerhad Mach of the Canadian Track and Field Association concerning your relationship with Ben Johnson.

THE COMMISSIONER: Before that, what position did Mr. Mach have at this stage? Was he --

THE WITNESS: He was the head track and field coach for the Canadian national team.

5 THE COMMISSIONER: I see.

MR. ARMSTRONG: All right.

THE COMMISSIONER: Where was he at that time?

10 THE WITNESS: He was coming from Canada to Formia with several other Canadian athletes who were to participate in the relay competition.

THE COMMISSIONER: Thank you.

BY MR. ARMSTRONG:

15 Q. And Mach was then and is now a full time paid employee of the Canadian Track and Field Association acting in the capacity as head coach of the national team?

20 A. Yes, and he also was in charge of the national program, the National Program Director.

Q. All right.

THE COMMISSIONER: I interrupted you, I am sorry, you were talking about a conversation with Mr. Mach?

25 MR. ARMSTRONG: Yes. You had this

conversation with Mach, did you?

THE WITNESS: Yes, he arrived and he had heard the reports that there was a problem between Ben and me. And he asked me what had happened. And I told him as
5 well as I could. And he said look, you know, you simply have to, you know, understand that Ben's upset, he had a bad injury, he is very concerned around worried right now. And you simply have to stand behind him. And, you know, he is your athlete, you have worked with the guy for over
10 12 years, or over 11 years, you know, you simply can't throw it all away just because, you know, you are not happy with a particular response. And you have both got too much invested in this. And he suggested that I take a couple of days and go out of town with my fiancée who had
15 been travelling with me and clear my head and just concentrate on going back and straightening everything out.

Q. All right. So, you took a couple of days off, did you?

20 A. Yes, I did.

Q. At the time also that you were in Formia, did you also receive a call from the Chairman of the Canadian Track and Field Association, Mr. Jean-Guy Ouellette?

25 A. Yes, I did.

Q. And did that conversation relate to Ben Johnson?

5 A. Yes. He was very concerned with press reports he had been hearing in the newspaper. I told him that I wasn't sure what was going on and I didn't feel that I was in control of the situation. And he said that certainly they were very concerned with statements that had been coming out of the press suggesting Ben wouldn't represent the CFTA and would run as an independant. There
10 were all sorts of strange reports floating around which didn't make any sense. And he was going to try and get a handle on it from his end and find out what was going on also.

Q. All right. And I take it probably
15 that John-Guy Ouellette was equally concerned that this 12-year relationship between you and Johnson leading up to the most important race in his career in Seoul not be tossed aside at this point in time?

A. Yes.

20 Q. All right. Then from Formia I believe you moved along to Lausanne?

A. Yes, that's correct.

Q. And did you become aware when you were
25 in Lausanne of further newspaper reports concerning the relationship between you and Ben Johnson?

A. Yes. They were all sorts of the reports that I had been fired or whatever.

Q. And I take it it goes without saying that they didn't assist in helping you out of the current situation that you saw yourself in as to just exactly how this whole matter was going to end?

A. Well, there were two problems. One was the comment that in fact I had been fired which created a rift between Ben and myself publically. And the other was a report that Ben -- that it originated in the CTFA office from an employee named Brenda Bedard that stated that Ben Johnson had a torn tendon in his leg.

So, a statement placed out under the CTFA stated in fact that Ben had an injury that would be so serious to those in the know that in fact he would never come back within a year. So this got to the other meet promoters and so on and created a panic all over Europe. I was getting phone calls right, left, and center and was being barraged. I got a phone call from the London Times to tell me what had happened. And, of course, I was most upset. I, of course, was spending the rest of the time denying that this was true and trying to explain that semitendonosis is a muscle not a tendon.

Q. All right. And then you after Lausanne presumably went on to Paris the plan was then

returned home to Toronto?

A. Yes, that's correct.

Q. When you got home to Toronto -- well, let me ask you this, before you got to back to Toronto when you were in Paris, was the meet in Paris the meet attended by Carl Lewis?

A. Yes, it was.

Q. All right. And was there something that happened or an observation that you made during the Paris meet about Carl Lewis that focussed your thinking a little more on where you and Ben Johnson were going to come out of your present situation?

A. I saw him racing without opposition and mugging and carrying on in the stadium and so forth in what I considered to be his usual fashion. And I felt extremely disturbed at this and I couldn't conceive of the concept of walking away at this point leaving Ben Johnson when he needed it, and then allow Ben Johnson -- or allow Carl Lewis to win without opposition when certainly Ben was a far superior athlete.

Q. So from Paris then you are back to Toronto?

A. Yes.

Q. And although you have been through some obvious emotional turmoil on your side, presumably most

certainly Ben Johnson has been through some emotional turmoil on his side, at least you come back to Toronto in a frame of mind to resolve I assume that you are going to get back on Ben Johnson's team and beat Carl Lewis.

5

A. Yes, that was the feeling.

Q. All right. And then, Mr. Francis, what happened when you got back to Toronto?

A. I called Ross Earl who of course was in touch with Ben.

10

THE COMMISSIONER: Where are we in dates, now, Mr. Armstrong, approximately?

MR. ARMSTRONG: I am sorry.

THE WITNESS: My guess would be around June the 20th, a little past. I am not sure of the exact date.

15

THE COMMISSIONER: We are in the middle of June and beyond.

THE WITNESS: Late June.

THE COMMISSIONER: Late June.

20

BY MR. ARMSTRONG:

Q. All right. Thank you.

A. I spoke to Ross, Ross had already received a call from Ben.

25

THE COMMISSIONER: Where was Ben at the

stage?

THE WITNESS: Ben was back in Toronto by now. He had come back to Toronto a couple of days before I did.

5

Q. Back to Toronto from St. Kitts.

A. Yes.

10

Q. So far as you know after he had left Padova, Italy, he had gone to London for the wedding and then down to St. Kitts and had been in St. Kitts virtually through the rest of June until that time?

15

A. Yes, that's correct. He came back a couple of days before we did. Upon his return, he had called Ross, and said that he was very upset about the situation and he was also anxious to resolve it. I think we both had a chance to think things through and realize that we had been together too long to, you know, split up now.

20

Q. All right. And was a meeting arranged between Ben Johnson and you by Ross Earl?

A. Yes. He just told us to come over right away to his school, this was during the day. And I drove over, and by the time I got there Ben arrived and things were resolved immediately. There was no real discussion at all.

25

Q. All right. I suppose to some extent

your view of what each of you was saying had been whipped up a little bit by what you had been reading in the newspaper?

A. No.

5

Q. Oh, I see.

A. I don't tend to believe everything I read.

Q. All right.

10

A. I think the best thing to do is try to see for yourself. If you listen to what everybody else says, you would never get the story straight. Try to get the story from the person involved.

15

And I knew Ben well enough over a period of time, you know, to know that, you know, a lot of things that were being attributed to him were just completely out of character with the Ben that I knew.

Q. All right. In any event, you say that it was resolved very quickly. Can you just tell us in what way was it resolved?

20

A. Well, basically Ross Earl just said sit down, guys. He says, look, let's quit the crap, are you going to go work together. And I said sure, that's it. I mean it was just like you know we both realized the whole thing was so silly and it got so completely blown out of proportion.

25

Q. All right. So then this is towards the end of June. And at this point in time, is there a training schedule set to be carried forward?

5 A. Yes. That day we went to the track and Ben worked out. I was able to observe his level of fitness. I would say he looked very ragged technically.

THE COMMISSIONER: He looked what?

THE WITNESS: He looked very rough technically, his technique was not very good, but his
10 speed was excellent. And it was very clear that with a little bit of work on his technique and so on he would very rapid round into shape. So, from that point forward --

THE COMMISSIONER: How was his injury?
15 What about the injury?

THE WITNESS: It was not 100 percent flexible yet, but it was clear enough that within the time available to my mind there was no question he would win in Seoul.

20

BY MR. ARMSTRONG:

Q. You had made the observation when you had seen him in Padova a few weeks earlier that he appeared to be in excellent physical shape. Did he still
25 appear to be in excellent physical shape?

A. Yes, he was.

Q. And at that time, did you know that when he had been in St. Kitts he had also apparently come under the care of an individual therapist called Jack Scott?

A. No, I did not.

Q. And at that time, did you know of a Jack Scott from somewhere in California?

A. I had heard the name related to my days in college and the Patty Hearst case. That's the last I ever heard of him.

THE COMMISSIONER: Patty Hearst case?

BY MR. ARMSTRONG:

Q. Patty Hearst case?

A. He was harbouring Patty Hearst when she was hiding out from the FBI. That's the last I ever heard of him.

Q. All right. Then had you been aware of the fact that Jack Scott or a Jack Scott had been a therapist of Carl Lewis at that time?

A. No, I did not.

Q. All right. So I take it then that as of that particular time Ben Johnson didn't tell you that he had been treated in the St. Kitts by Jack Scott?

A. No, he didn't. He didn't mention it.

Q. Now, at this particular time where did -- where did Dr. Astaphan fit into the picture. Presumably when you and Ben met in Toronto at Ross Earl's house, you went to the track the next day, Astaphan still it St. Kitts, is he?

A. After the first few days he came up almost right away after that.

Q. All right. Why did he come back up?

A. Well, he was going to stay and work with Ben through the rest of the summer. That was my understanding.

Q. All right. And was that in accordance with your wishes?

A. Yes.

Q. So presumably then at this point in time, you are kind of really picking up with the original plan that you had formulated back around May the 13th in Toyko, that you would do the coaching, Waldemar would do the massaging or whatever it is that Waldemar does, and that Dr. Astaphan would do the doctoring?

A. Yes, exactly.

Q. And you say Astaphan came up a few days or so later. Was there some discussion with Dr. Astaphan at that time as to what the arrangement would be with him?

A. Yes. There was a meeting at Ross Earl's house. And obviously there had been all kinds of discussions going around as to what role Dr. Astaphan had played in the dispute with Ben and so on and so on.

We had a meeting there and there didn't seem to be any particular outstanding issues between us. anything particular to resolve. And so there didn't appear to be a problem.

Q. Well, now there had been some discussion back in May about the plan was first formulated in Toyko to include Astaphan, that Astaphan said he was prepared to come and perform medical services for Ben Johnson if he was compensated for the lose of income that he would suffer from leaving his practice in St. Kitts. Now was this issue raised again when you met with Astaphan at this time of late June?

A. Yes, by this time an understanding had been arrived at between Ben, Dr. Astaphan and Ross Earl that he would be compensated, and they were in the process of making arrangements for monthly payments.

5 Q. And what was that arrangement? How much a month, do you remember?

A. \$10,000.

Q. And that was what month?

A. It would be for the duration, so it
10 would be three or four months.

THE COMMISSIONER: Were you present when that amount was discussed or how did you know about the amount?

THE WITNESS: Yes, the amount was
15 discussed.

THE COMMISSIONER: Of \$10,000 a month?

THE WITNESS: Yes.

BY MR. ARMSTRONG:

20 Q. That's \$10,000 a month U.S?

A. I don't know.

Q. In any event, who was present? There was Ross Earl, you and Astaphan. Was Ben Johnson there?

A. Not at that time, no.

25 Q. And was this arrangement discussed with

Ben Johnson at some point?

A. Well, some of it had been discussed before, and later the arrangements were made between Ross Earl and Ben and the Canadian Track and Field Association.

5

Q. And did Ben Johnson approve the idea of paying Dr. Astaphan \$10,000 a month?

A. Yes, he did.

THE COMMISSIONER: I'm sorry, you mentioned the Canadian Track and Field Association. Would they be involved in this as well?

10

THE WITNESS: Well, it would be necessary for them to be involved, since they were holding the trust fund and they would send the money to the doctor at Ben's request.

15

BY MR. ARMSTRONG:

Q. All right. There will be some further evidence of this during the course of the inquiry, but just to complete the picture at this time, was it not so that, indeed, a written contract was entered into between Ben Johnson and Dr. Astaphan, approved by the Canadian Track and Field Association, that he would pay for the medical services of Dr. Astaphan \$10,000 a month?

20

A. Yes, that's my understanding.

Q. And that contract was signed and is,

25

indeed, on file with the Canadian Track and Field Association?

A. That's my understanding.

Q. All right, and then you presumably
5 continued the training program during the month of July,
did you, at York University?

A. Yes, continued training leading up to
the national championships.

THE COMMISSIONER: That would be in August,
10 was it?

THE WITNESS: Yes, it was.

THE COMMISSIONER: August of '88?

THE WITNESS: Yes. I might point out that
15 we had a series of competitions set up in Europe from the
year before. However, the date of the national
championships had been changed from the usual plan until
almost two weeks later to allow for the world juniors
competition being held in Canada. So --

THE COMMISSIONER: Would that be the first
20 competition, then, for Mr. Johnson after his return
from --

THE WITNESS: Yes, it would.

THE COMMISSIONER: -- St. Kitts? So you
are now pointing to the national championships in August?

THE WITNESS: Yes, and a series of
25

competitions that would occur immediately afterwards. The one adjustment we had to make, we had to cancel the competition in Malmö because of the date conflict.

5 THE COMMISSIONER: The national championships would be first and then you would go on for the others?

THE WITNESS: Yes, straight over from Ottawa to competitions in Europe.

10 THE COMMISSIONER: So this program gave you how much time now to work on Mr. Johnson before the national championships?

THE WITNESS: Well, there were four, almost four weeks, I suppose.

15 BY MR. ARMSTRONG:

Q. We haven't got your 1987 training program chart up on the wall, but if we had it up on the wall, or up on the screen, we would see that in this period of training in late June, early July, there would be a small triangle indicating the administration of
20 steroids to your athletes. And during this training program in late June, early July, leading up to the national championships, was there a steroid program designed for those of your athletes who were on steroids
25 in the summer of 1988?

THE WITNESS: Yes, there was, with the exception of Ben, who in fact had been on a steroid program earlier than that and in fact had ceased by the time the month of July came.

5

THE COMMISSIONER: Where was that, then?

THE WITNESS: It was at St. Kitts.

THE COMMISSIONER: When did you learn about that?

THE WITNESS: I'm sorry?

10

THE COMMISSIONER: When did you learn about that?

THE WITNESS: Just in talking to Ben.

THE COMMISSIONER: On his return?

THE WITNESS: Yes.

15

THE COMMISSIONER: Did he tell you what the program was or did Dr. Astaphan discuss it with you?

THE WITNESS: No, they didn't.

THE COMMISSIONER: What was the program that you were told?

20

THE WITNESS: Well, just what Ben told me, that he had had the same sequence of shots that he would have had --

THE COMMISSIONER: When he was in St. Kitts?

25

THE WITNESS: Yes, so in other words he had

it earlier than he would have normally because of the injury.

BY MR. ARMSTRONG:

5 Q. All right, and did you understand that he would have at that time been injected with Estragol or Furazabol or what did you believe?

A. That's what I expected he was doing in St. Kitts.

10 Q. In St. Kitts, all right. Let me just ask you about this. Did you have any understanding at that time as to whether or not steroids was a useful therapeutic agent in treating muscular injuries?

15 A. Yes. Of course, it was up to the doctor how to employ such devices. Obviously, that's one of the reasons they were invented, was to speed up the healing process. In fact, Ben was advised in Japan that a steroid program would be the normal course of action for any individual with an injury of this type. However,
20 since he was an amateur athlete they didn't know what to do with him, didn't want to be involved.

Q. That was when he received the initial medical examination and treatment in Tokyo on May the 13th?

25 THE COMMISSIONER: Are you saying that

anabolic steroids has a normal therapeutic use for injuries of that nature?

THE WITNESS: Yes.

THE COMMISSIONER: Who told you that?

5

THE WITNESS: Doctors have said it on many occasions. I believe they will say so here, if asked.

BY MR. ARMSTRONG:

10

Q. All right, then, we have been concentrating almost entirely all afternoon on Ben Johnson, but let's break away for a moment, before we conclude, from Ben Johnson, since we're on the issue of steroids. You said that with the exception of Ben Johnson, those of your group who were involved in the steroids program did in fact engage in a steroids cycle in this late June, early July period, and --

15

THE COMMISSIONER: But aren't you almost within 28 days of the competition by this stage? You're close to 28 days?

20

THE WITNESS: No, they went off them before that. But we didn't -- the 28 days was not a routine amount for an injectable other than Dianabol.

THE COMMISSIONER: Oh, I see.

25

THE WITNESS: The Estragol was usually 14 days' clearance.

THE COMMISSIONER: How much?

THE WITNESS: Fourteen days or possibly less.

THE COMMISSIONER: Fourteen days' clearance?

THE WITNESS: Yes.

BY MR. ARMSTRONG:

Q. Well, now, just a moment --

THE COMMISSIONER: I thought you told me in that bottle what you think is Furazabol is 28 days?

THE WITNESS: It had that label, yes, but that was back a couple of years before. It may have been a previous bottle of injectable Dianabol, since I wouldn't know, you know.

BY MR. ARMSTRONG:

Q. All right. In any event, who was on the steroids program in late June, early July, 1988?

A. Well, there was Angella Issajenko, Tracy Smith, Mark McCoy --

Q. Desai Williams?

A. -- and Desai Williams.

Q. All right. And --

THE COMMISSIONER: Any other women?

THE WITNESS: Not at that time, no, because Cheryl had to get an operation on her toe to remove a bone chip.

THE COMMISSIONER: Thibedeau?

5

THE WITNESS: Thibedeau, yes.

THE COMMISSIONER: What about Killingbeck?

THE WITNESS: Killingbeck was, yes.

THE COMMISSIONER: Pardon?

THE WITNESS: Yes, she was.

10

THE COMMISSIONER: She was on a program?

THE WITNESS: Yes.

BY MR. ARMSTRONG:

15

Q. And again, was it the same injection for the men, one cc of Furazabol two or three times a week?

A. Yes, initially, but it was only a short period of time, I believe it was two weeks.

20

Q. All right, and so what would they get, injections twice a week or three times a week at that point?

A. I believe it was twice a week for two weeks.

25

Q. All right, and the women would be what, an eighth of a --

THE COMMISSIONER: Well, he's told us that Miss Issajenko had her own program, is that right?

THE WITNESS: Yes, but at that time, that was such a short period of time, she would have strictly used the Estragol, not the tablets.

5

BY MR. ARMSTRONG:

Q. That would be an eighth of a cc?

A. Yes.

10

Q. Couple of shots a week?

A. Yes.

MR. ARMSTRONG: All right. It's four o'clock, if this would be a useful point.

15

THE COMMISSIONER: All right, thank you. We will adjourn until Monday morning at ten o'clock for the public sessions.

---Whereupon the proceedings were adjourned.

20

25

COMMISSION D'ENQUETE SUR
LE RECOURS AUX DROGUES ET AUX PRATIQUES
INTERDITES POUR AMELIORER LA
PERFORMANCE ATHLETIQUE

AUDITION TENUE AU

1235 RUE BAY

2ième ETAGE

TORONTO, ONTARIO

LE ~~23~~ ² MARCH ~~FEVRIER~~ 1989

VOLUME ~~18~~ ² |

DEVANT:

L'HONORABLE CHARLES LEONARD DUBIN

NETWORK COURT REPORTING LTD.

